

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JUAN ESTRADA, JR., ROSA ESTRADA, )  
CRISELDA VILLARREAL, ADMINISTRATRIX )  
OF THE ESTATE OF MARICELA TREVINO )  
AND AS NEXT FRIEND OF S.M.L., )  
N.T.L. AND R.L., JR., AND FRANCISCO )  
TREVINO, )

PLAINTIFFS, )

VS. )

CIVIL ACTION NO:  
09-158

CITY OF WESLACO, ALFREDO MORENO, )  
JR., ALBERT PONCE, WESLACO POLICE )  
CHIEF JOHN DANIEL MARTINEZ, ONE )  
UN-NAMED WESLACO EMS MEDIC, ALEX )  
CAVAZOS AND CHRISTOPHER CUELLAR, )

DEFENDANTS. )



\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF

JOHN DANIEL MARTINEZ

June 8, 2010

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION of JOHN DANIEL  
MARTINEZ, produced as a witness at the instance of the  
Plaintiffs, and duly sworn, was taken in the  
above-styled and numbered cause on the 8th day of June,  
2010, from 9:04 a.m. to 2:52 p.m., before Anica Diaz,  
CSR in and for the State of Texas, reported by  
stenograph, at the City Manager's Office, 255 South  
Kansas, Weslaco, Texas, pursuant to the Texas Rules of  
Civil Procedure and the provisions stated on the record  
or attached hereto.

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## APPEARANCES

## COUNSEL FOR THE PLAINTIFFS:

MR. MAURO RUIZ  
RUIZ LAW FIRM, L.L.P.  
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Edinburg, Texas 78539

## COUNSEL FOR THE DEFENDANTS:

MR. MITCHELL C. CHANEY  
COLVIN, CHANEY, SAENZ & RODRIGUEZ, L.L.P.  
1201 East Van Buren Street  
Brownsville, Texas 78522

## ALSO PRESENT:

Mr. Leo Trevino, Videographer, OTS Legal Video

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## PROCEEDINGS

THE VIDEOGRAPHER: Today's date is June 8th, 2010. The time is 9:07 a.m., we are on the record.

JOHN DANIEL MARTINEZ,  
having been duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

## EXAMINATION

BY MR. RUIZ:

Q. Good morning, sir.

A. Good morning, sir.

Q. Could you please state your full name for the record?

A. Juan Daniel Martinez.

Q. Now, Mr. Martinez, my name is Mauro Ruiz, and prior to this morning, you and I have never met, is that correct?

A. That's correct, sir.

Q. And you understand that I represent the Estate of Maricela Trevino, her children, and her parents in a lawsuit that was brought against you?

A. Yes, sir.

Q. Do you understand that?

A. Yes, sir.

Q. Okay. And do you also understand that there are some other individual Defendants in this particular

2 (Pages 2 to 5)

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1 lawsuit as well that have been sued?

2 A. Yes, sir.

3 Q. Okay. And lastly, there's also the City of  
4 Weslaco that's a Defendant in this lawsuit, do you  
5 understand that?

6 A. Yes, sir.

7 Q. Okay. And you know that the -- that the lawsuit,  
8 the allegations that have been brought against you,  
9 arise from the time that you were chief of police for  
10 the City of Weslaco, you understand that?

11 A. Yes, sir, I sure do.

12 Q. Okay. Since -- would it be okay if I address you  
13 as Chief Martinez then?

14 A. That'll be fine.

15 Q. Okay. And so, basically, you understand that I'm  
16 on the other side from you?

17 A. (Witness nods head.)

18 Q. Is that a yes?

19 A. Yes, sir.

20 Q. Okay.

21 A. I understand.

22 Q. Now, before you came into this conference room  
23 this morning, Chief Martinez, did you have a chance to  
24 speak to your attorney about what's going to happen  
25 today?

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1 A. Yes, sir, I did.

2 Q. Okay. And did he explain to you that your  
3 testimony here today is under oath, and that it has the  
4 same force and effect as if it were -- as if you were  
5 testifying in a court of law?

6 A. Yes, sir, he did.

7 MR. CHANEY: Just for the record, I didn't  
8 mind that question, but if you would not say, did he  
9 explain to you --

10 MR. RUIZ: Oh.

11 MR. CHANEY: -- because our discussions,  
12 obviously --

13 MR. RUIZ: Okay.

14 MR. CHANEY: -- are attorney/client.

15 MR. RUIZ: Right.

16 MR. CHANEY: But that -- but I did explain  
17 that to him and I didn't object.

18 Q. (By Mr. Ruiz) Okay. And throughout this  
19 deposition, Chief Martinez, I will -- I will not ask you  
20 any questions concerning the substance of any discussion  
21 between you or any other of your lawyers, including  
22 Mr. Vela or Mr. Chaney, okay?

23 A. I understand.

24 Q. Okay, thank you. Chief Martinez, do you  
25 understand that your testimony today is being

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1 transcribed by this court reporter to my left, and that  
2 it's being videotaped as well?

3 And in the event that you are not available, it  
4 will be presented -- it could be presented to the judge  
5 and jury in this case?

6 A. Yes, sir.

7 Q. Okay. And do you also understand that should  
8 your answer to my questions at trial differ from the  
9 same questions I ask you here today, I can use the  
10 questions that were transcribed here today to question  
11 your credibility at trial?

12 A. Yes, sir.

13 Q. Okay. And also, it's important for me to get  
14 a -- a clear answer that I can rely on today, okay?

15 A. Yes, sir, we're going to try.

16 Q. Thank you. And I think I asked you early, back  
17 in May of 2007 -- strike that question.

18 Chief Martinez, in May 2007, you were the chief  
19 of police for the City of Weslaco when Maricela Trevino  
20 hung herself while locked up at the Weslaco PD jail, is  
21 that correct?

22 A. That's correct.

23 Q. Okay. And it's my understanding that you are no  
24 longer chief of the City of Weslaco, is that correct?

25 A. That's also correct, yes, sir.

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1 Q. Okay. Chief Martinez, what is your date of  
2 birth?

3 A. August 29th of 1950.

4 Q. How old are you?

5 A. 59.

6 Q. Are you married?

7 A. Yes, sir, I am.

8 Q. Okay. What's your wife's name?

9 A. Sylvia.

10 Q. And is it Sylvia Martinez?

11 A. Yes, sir.

12 Q. Okay. Where do you currently reside?

13 A. I reside in the County of Real, Leakey, Texas.

14 Q. What county is that?

15 A. Real.

16 Q. Oh, Real County, okay. And where does your wife  
17 Sylvia Martinez reside?

18 A. She resides here in Weslaco.

19 Q. Okay. Is she the only wife you've had or have  
20 you been married before?

21 A. I've been married before.

22 Q. Okay. How many times?

23 A. Just twice.

24 Q. Twice before?

25 A. No.

3 (Pages 6 to 9)

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1 Q. Or twice total?  
 2 A. Twice total.  
 3 Q. Okay. What was the name of your first wife?  
 4 A. Juanita.  
 5 Q. Does she still go by Martinez?  
 6 A. Yes, sir.  
 7 Q. What was her maiden name?  
 8 A. Suarez.  
 9 Q. Okay. And Ms. Sylvia Martinez, what was her  
 10 maiden name?  
 11 A. Hernandez.  
 12 Q. Are they both from the Weslaco area?  
 13 A. Yes, sir, they are.  
 14 Q. Okay. When did you divorce Ms. Juanita Martinez  
 15 Suarez?  
 16 A. Oh, I want to say in '80 -- '89.  
 17 Q. Okay. Where is she currently employed?  
 18 A. I think she still works for the Weslaco  
 19 Independent School District.  
 20 Q. What does she do for the Weslaco ISD?  
 21 A. She is a teacher aid.  
 22 Q. And Ms. Sylvia Martinez, is she currently  
 23 employed?  
 24 A. She's currently employed here at the City of  
 25 Weslaco.

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1 Q. Okay. And what is her job title with the City of  
 2 Weslaco?  
 3 A. I believe she is the urban -- they've changed job  
 4 titles. The urban development coordinator.  
 5 Q. Okay, okay. Are there any children from your  
 6 first marriage to Juanita Martinez Suarez?  
 7 A. Yes, sir.  
 8 Q. How many?  
 9 A. Four.  
 10 Q. Okay. What are their names?  
 11 A. John David.  
 12 Q. Okay.  
 13 A. Jessica Daniel, Jennifer Diana and Jack Daniel.  
 14 Q. Are they all living in the Weslaco area right  
 15 now?  
 16 A. Yes, sir, they are.  
 17 Q. Okay. Are they enrolled in school?  
 18 A. No, sir, they're all up and grown.  
 19 Q. Okay.  
 20 A. They're married.  
 21 Q. Your -- your eldest is John Daniel?  
 22 A. John David.  
 23 Q. John David. What is -- what is -- is he  
 24 employed?  
 25 A. He's employed with the Weslaco Independent School

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1 District.  
 2 Q. Okay. And Jessica?  
 3 A. She is a nurse.  
 4 Q. Is she a nurse here with Knapp?  
 5 A. No, she's in home healthcare.  
 6 Q. Okay. What company does she work for?  
 7 A. Oh, that, I wouldn't be able to tell you.  
 8 Q. Okay. And then you have Jennifer?  
 9 A. Yeah. Jennifer is a cosmetologist, and she works  
 10 in Pharr somewhere, I don't know the name.  
 11 Q. Okay. And Jack Daniel?  
 12 A. Jack Daniel is employed by H.E.B. Food Stores and  
 13 he's also a musician.  
 14 Q. Okay. Are there any children from your second  
 15 marriage with Sylvia Martinez?  
 16 A. No, sir.  
 17 Q. Okay.  
 18 A. Well, she's got a daughter and of course --  
 19 Q. What is her daughter's name?  
 20 A. It's Marissa, Marissa Hernandez. And she's 18  
 21 years old.  
 22 Q. And does she reside in Hidalgo County?  
 23 A. She resides in Hidalgo County, works for the  
 24 Weslaco Independent School District.  
 25 Q. Okay. Chief, what is your wife Sylvia Martinez's

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1 current physical address?  
 2 A. It's P.O. Box 349 Weslaco.  
 3 Q. Okay. Chief, tell me -- tell me a little bit  
 4 about your educational background.  
 5 A. I've got a degree in education, health and Phys  
 6 Ed. And of course, the basic, I graduated from Weslaco  
 7 High School.  
 8 Q. What year, sir?  
 9 A. That was in '69. I was a former student at the  
 10 University of Nuevo Leon in Mexico Tech, El Tech, played  
 11 American football up there on scholarship.  
 12 Q. Okay.  
 13 A. And then finished up with University of Texas Pan  
 14 American in '75.  
 15 Q. After graduating -- and what was your degree at  
 16 the -- what degree did you receive from the University  
 17 of Texas Pan American?  
 18 A. An educational degree.  
 19 Q. After graduating from the University of Texas Pan  
 20 American, did you engage in any other formal education?  
 21 A. No, sir.  
 22 Q. At some point you enrolled in the police  
 23 academy -- in a police academy, right?  
 24 A. DPS Academy.  
 25 Q. Okay. And where is that academy located?

4 (Pages 10 to 13)

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1 A. In Austin. Austin, Texas.  
 2 Q. While you're at the academy -- how long is that  
 3 course work at the academy?  
 4 A. 20 weeks.  
 5 Q. 20 weeks. Were you working another job at the  
 6 same time?  
 7 A. No, sir. That -- that was my job.  
 8 Q. That was the job?  
 9 A. Department of Public Safety, you get picked up as  
 10 a route -- as an applicant, and then you're being paid  
 11 while you go to DPS.  
 12 Q. Okay.  
 13 A. You're an employee until you graduate.  
 14 Q. And during the time that you're at the academy,  
 15 are you a patrolmen or are you in the work -- or you're  
 16 in the process of becoming a patrolman?  
 17 A. No, you're going to the academy. You're in the  
 18 process of becoming either one out of five services,  
 19 Highway Patrol, driver's license, license and weight.  
 20 Q. Okay.  
 21 A. You know, there's five services.  
 22 Q. So during those 20 weeks you're more like a  
 23 student?  
 24 A. (Witness nods head.)  
 25 Q. Is that correct?

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1 A. That's correct.  
 2 Q. Okay.  
 3 A. Yes, sir.  
 4 Q. What year did you graduate from the DPS Academy?  
 5 A. '77.  
 6 Q. So between 1975 when you graduated from U.T. Pan  
 7 American and 1977 when you attended the DPS Academy,  
 8 what did you do during that time?  
 9 A. I was the executive director for Boys & Girls  
 10 Club of America in Weslaco.  
 11 Q. And what were your duties as executive director,  
 12 sir?  
 13 A. Child growth and development, character  
 14 development, total operation of the club, finances,  
 15 budgeting, fund raising.  
 16 Q. Okay. So after completing the academy, the DPS  
 17 academy, do you get commissioned as a peace officer upon  
 18 completing that course, or is there another step?  
 19 A. You get commissioned as a peace officer.  
 20 Q. Okay. So would it be fair to say you were a  
 21 commissioned peace officer in 1977?  
 22 A. It'd be '78. It was the latter part of '77,  
 23 graduated in '78, got commissioned in '78.  
 24 Q. Okay. And after being commissioned as a peace  
 25 officer, who did you work for, sir?

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1 A. Department of Public Safety, Harris County,  
 2 Houston.  
 3 Q. Did you get to select Harris County or were you  
 4 assigned that area?  
 5 A. You're assigned.  
 6 Q. That's what I figured.  
 7 A. Yes. My choices were the Valley and I got  
 8 assigned to Humble, Texas, a place I'd never heard. So  
 9 I worked out of Humble.  
 10 Q. And as a -- and during your assignment with the  
 11 DPS in Harris County in 19 -- was that in 1978?  
 12 A. '78, yes, sir.  
 13 Q. Okay. And during that assignment in 1978, what  
 14 were your job duties as an --  
 15 A. Highway --  
 16 Q. -- as an employee of DPS?  
 17 A. Highway supervision, case preparations, and  
 18 criminal traffic, law enforcement.  
 19 Q. Was -- is that basically -- are those functions  
 20 of a patrol officer?  
 21 A. Yes, sir.  
 22 Q. Okay. During your -- during your -- and how many  
 23 years were you in that --  
 24 A. In Houston?  
 25 Q. -- in that capacity?

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1 A. In the capacity as a trooper, a total of I  
 2 believe it'll be five years, six years.  
 3 Q. Okay. But that was -- that was -- did you do  
 4 five years?  
 5 A. No, sir, there was -- I believe there was two  
 6 years, and then I home and did some Boys & Girls Club of  
 7 America.  
 8 Q. Okay.  
 9 A. And then went back to DPS.  
 10 Q. Okay. So would it be fair to say that from 1978,  
 11 when you were first employed by DPS as a trooper or  
 12 patrol officer --  
 13 A. Uh-huh.  
 14 Q. -- you continued in that capacity for two  
 15 years --  
 16 A. For two years.  
 17 Q. -- until 1980?  
 18 A. About 1979, latter part of '79.  
 19 Q. Okay.  
 20 A. Came to do some teaching and coaching.  
 21 Q. Okay. And were you assigned to the Houston -- to  
 22 Harris County during that entire time --  
 23 A. Yes, sir.  
 24 Q. -- that you were with DPS?  
 25 A. Yes, sir.

5 (Pages 14 to 17)

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1 Q. Okay. And while -- and during the time that you  
2 were at the academy, and during those two years that you  
3 were with DPS in Harris County, did you receive any kind  
4 of training on jail administration techniques?

5 A. Oh, we briefly touched on it. They just  
6 discussed the responsibilities and the requirements.

7 Q. Okay. And at what point did you -- was that  
8 issue discussed, during your academy work?

9 A. Academy work.

10 Q. Okay. And how long was that -- that aspect of  
11 your academy training? Was it several weeks, days or  
12 hours?

13 A. No, no, it's hours.

14 Q. Hours, okay. So -- and during the time that you  
15 were a patrol officer or trooper --

16 A. Uh-huh.

17 Q. -- did at any point, did any of your job duties  
18 include jail administration, or handling detainees or  
19 prisoners in the jail setting?

20 A. No, not in the jail setting.

21 Q. Okay. So would it be fair to say that before  
22 1980 the -- you received several hours worth of course  
23 work on jail administration issues during your -- the  
24 time you were in the academy -- the DPS Academy?

25 A. Yes, sir.

Page 19

1 Q. I think you told me that you returned to the  
2 Valley after 1979?

3 A. Yes, sir, I did.

4 Q. What were your reasons for leaving the Department  
5 of Public Safety in Harris County?

6 A. They -- my first wife, all her family being here,  
7 being a country girl, never being out of the Valley, she  
8 got homesick and wanted to come home. And it was an  
9 option, either quit or we go to the Valley.

10 Q. Okay. Did you -- before leaving your position  
11 with DPS in Harris County, did you secure a job, or did  
12 you come down here and then look for work?

13 A. Well, my intentions were -- no, I had a job. I  
14 secured a job in teaching.

15 Q. Oh, okay.

16 A. My intentions were, DPS would allow you two years  
17 of leave without losing your commission and --

18 Q. Two years of what?

19 A. Leave.

20 Q. Leave, okay.

21 A. Leave of absence. And my -- my plan was to come  
22 down here and possibly join up in the Valley as DPS, if  
23 I could.

24 Q. Okay.

25 A. But I had a degree to fall back to, so I went

Page 20

1 back into teaching.

2 Q. Okay. And so the positions that you had with DPS  
3 in Harris County, that -- the -- I guess the job was  
4 primarily a patrol officer?

5 A. That's correct.

6 Q. Any other type of position that you -- that you  
7 held during that timeframe?

8 A. While a trooper?

9 Q. Yes, sir.

10 A. No, just a trooper.

11 Q. Who was your supervisor at the time in 1979 when  
12 you decided to --

13 A. Sergeant Gardner.

14 MR. CHANEY: Let him finish -- make sure you  
15 let him finish his question --

16 THE WITNESS: Oh, okay.

17 MR. CHANEY: -- because it's hard for her.

18 THE WITNESS: Okay.

19 Q. (By Mr. Ruiz) Is that Gardner?

20 A. Sergeant Gardner.

21 Q. And his first name?

22 A. We never called him by first name. I

23 don't -- sergeant. It was Sergeant Gardner.

24 Q. And you said you were able to secure a job in the  
25 Valley?

Page 21

1 A. Yes, sir.

2 Q. And that was teaching?

3 A. Weslaco High School.

4 Q. Okay. And what did you teach at Weslaco High  
5 School?

6 A. I taught health, which was one of my majors,  
7 health and Phys Ed. So I taught health and physical  
8 education.

9 Q. Okay. And how long did -- how long were you at  
10 Weslaco ISD teaching health and physical education  
11 courses?

12 A. Right before my two years was up.

13 Q. Okay. And then you made an effort to join DPS  
14 again?

15 A. I went back to DPS.

16 Q. Okay. And was there an opening or was that  
17 something that you just --

18 A. Well --

19 Q. What did you do to go back?

20 A. No, there was an opening with -- with an intent  
21 to bring me down to the Valley and the opening was in  
22 Kingsville. I had started off in Corpus, and then did  
23 Bishop and then Kingsville, so.

24 Q. Okay. So you -- you were offered this position  
25 or you sought it out?

6 (Pages 18 to 21)

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1 A. Well, I was asked to come back.  
 2 Q. Okay.  
 3 A. If I wanted a job.  
 4 Q. And so you were first -- so you accepted and you  
 5 were stationed where your first -- your first --  
 6 A. Corpus.  
 7 Q. Corpus. And from Corpus?  
 8 A. I went to Bishop.  
 9 Q. You went to Bishop?  
 10 A. Bishop to Kingsville.  
 11 Q. To Kingsville?  
 12 A. And then Weslaco.  
 13 Q. And then Weslaco. And so -- and you worked for  
 14 DPS in these four different areas for a period of five  
 15 years, would that be correct?  
 16 A. Yes, sir.  
 17 Q. And that was from 1981 to 19 -- through 1995?  
 18 A. In different times, but yeah, all together. I  
 19 believe this would give you the --  
 20 Q. Okay. Well, and during that -- during those four  
 21 years, Chief Martinez, at any point during those four  
 22 years were you responsible for any type of jail in  
 23 Corpus, in Bishop, in Kingsville or in -- was it  
 24 Weslaco?  
 25 A. Uh-huh.

Page 23

1 Q. Was that the last one?  
 2 A. Uh-huh.  
 3 Q. Okay.  
 4 A. No, we weren't in charge of any jail proceedings.  
 5 We just arrested and took them to the -- to the  
 6 different detention centers, and then turned them over  
 7 to the jail personnel.  
 8 Q. Okay. During the time that you were with Weslaco  
 9 ISD from 19 -- let's say '79 to '81.  
 10 A. Uh-huh.  
 11 Q. Did you take any courses that would be reflected  
 12 in this document that Mr. Chaney provided to me this  
 13 morning?  
 14 A. No, sir. Those are all law enforcement courses.  
 15 Q. Okay.  
 16 A. That's all it is.  
 17 Q. Okay. So during the time that you were teaching  
 18 at Weslaco High School, you did not continue or take any  
 19 law enforcement education courses?  
 20 A. I was a reservist for the Hidalgo County  
 21 Sheriff's Department, never -- never left my commission.  
 22 Q. Okay.  
 23 A. So that I could keep my commission. And we did  
 24 inservice classes.  
 25 Q. Okay. So there were some inservice classes?

Page 24

1 A. Two weeks in-service, it had to be 40 hours.  
 2 Q. Okay. And the Hidalgo County Sheriff's Office  
 3 would have records of the courses you took, or would  
 4 they be contained in that document?  
 5 A. They're contained in that document.  
 6 Q. Oh, okay. And that would have been from 1979  
 7 through 1991, right?  
 8 A. Let me see. Hidalgo County Sheriff's Department  
 9 was in '97, when I was reservist. When I left DPS, I  
 10 would go and do some reserve work for the county. It  
 11 was in '97 -- from '81 to '97, and then the first time  
 12 was in 2003-2003.  
 13 Q. Okay. And just so that I could clarify, Chief,  
 14 you -- what year did you become a reservist for -- for  
 15 the Hidalgo County Sheriff's Department?  
 16 A. From the time that I left DPS the first time.  
 17 Q. Okay. So that would have been from 1979?  
 18 A. 19 -- no, 1981.  
 19 Q. Okay.  
 20 A. 1981.  
 21 Q. '81?  
 22 A. Yes, sir.  
 23 Q. So that's when you -- you mean when you left  
 24 Weslaco ISD?  
 25 A. Yeah -- well, while in Weslaco ISD I was also a

Page 25

1 reservist.  
 2 Q. Okay.  
 3 A. So.  
 4 Q. And --  
 5 A. The requirement is only 16 hours a month.  
 6 Q. Okay. And that's reflected in the --  
 7 A. Yes, sir.  
 8 Q. -- this document --  
 9 A. Yes, sir.  
 10 Q. -- that we have right here?  
 11 A. Yes, sir, it is.  
 12 Q. So according to this document --  
 13 A. It states reserve officer, reserve officer.  
 14 Q. For the Hidalgo County Sheriff's Office?  
 15 A. Yes, sir. Yes, sir.  
 16 Q. September 1st, 1981?  
 17 A. Yes, sir.  
 18 Q. And you continued in that capacity as a reserve  
 19 officer until September 30th, 1997?  
 20 A. Yes, sir.  
 21 Q. Would that be correct?  
 22 A. Uh-huh. That's 16 years and 4 months as a  
 23 reservist.  
 24 Q. Okay.  
 25 A. Down at the bottom, the next line right there.

7 (Pages 22 to 25)

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1 No, right here. It gives you --  
 2 Q. Oh, got it.  
 3 A. It tells you the --  
 4 Q. Your -- the time that you served in that  
 5 capacity?  
 6 A. With DPS and chief of police.  
 7 Q. Okay. And so -- and so during this time as a  
 8 reserve officer with -- with the Hidalgo County  
 9 Sheriff's Department, at any time did you serve as a  
 10 jailer?  
 11 A. Yes, sir.  
 12 Q. Okay. During what timeframe did you serve as a  
 13 jailer?  
 14 A. It was from 2/27/03 to 6/6 of '03, three months.  
 15 Q. 2/27/03?  
 16 A. Yes, sir.  
 17 Q. Through?  
 18 A. 6/6 of '03.  
 19 Q. But by that time you were already chief of police  
 20 for the City of Weslaco, correct?  
 21 A. No, sir.  
 22 Q. No, you were not?  
 23 A. No, sir.  
 24 Q. Oh, okay. Okay. Well, then let me -- let me go  
 25 back to my -- my chronology. You said --

Page 27

1 A. When I left the Sheriff's Department, if you  
 2 notice down here where it says jailer -- right there  
 3 where it says jailer.  
 4 Q. Right.  
 5 A. Right there, then go across.  
 6 Q. Okay.  
 7 A. Jailer license, 2/27/03 to 6/6/03. This is three  
 8 months.  
 9 Q. All right.  
 10 A. And then if you jump up to -- to the City of  
 11 Weslaco.  
 12 Q. Oh, okay.  
 13 A. Chief of police.  
 14 Q. Right.  
 15 A. It starts at 6/6/03 to 12/09.  
 16 Q. Okay. Because there was a break in -- in the  
 17 time that you -- there was a break in there?  
 18 A. Yes, sir.  
 19 Q. Correct?  
 20 A. Yes, sir.  
 21 Q. And I'm going to get to that real quick.  
 22 A. Okay, sure.  
 23 Q. But I appreciate you pointing that out.  
 24 A. Okay.  
 25 Q. After -- after you -- when you became a Highway

Page 28

1 Patrol officer or trooper for DPS --  
 2 A. Uh-huh.  
 3 Q. -- in 1981, correct?  
 4 A. Uh-huh, yes, sir.  
 5 Q. And you continued doing that until 1985?  
 6 A. Yes, sir.  
 7 Q. And I think that's when I asked you earlier,  
 8 whether during that timeframe, '81 through '85, were you  
 9 employed in -- as a jailer or did you administer a jail  
 10 during that time? And I believe you said no?  
 11 A. No.  
 12 Q. Am I correct?  
 13 A. That's correct.  
 14 Q. Okay. After 1985 you leave DPS again, is that  
 15 correct?  
 16 A. Uh-huh, yes, sir.  
 17 Q. And you --  
 18 A. I work for the City of Weslaco.  
 19 Q. Was it for the City of Weslaco?  
 20 A. Yes, sir.  
 21 Q. Okay. It wasn't for the Boys & Girls Club?  
 22 A. Boys & Girls Club, yes, sir.  
 23 Q. Right. And so you returned to the Boys & Girls  
 24 Club of Weslaco from 1980 -- in 1985, right?  
 25 A. Yes, sir.

Page 29

1 Q. What was your position at that point?  
 2 A. Executive director.  
 3 Q. Okay. Did you have the same duties you had the  
 4 first time when you were executive director?  
 5 A. Yes, sir, but more enhanced.  
 6 Q. But more enhanced?  
 7 A. Yes, sir.  
 8 Q. What do you mean by that?  
 9 A. Well, when I first started with the Boys & Girls  
 10 Club of America, we started it back in '74 from scratch,  
 11 nothing, and we built it up to what it was.  
 12 I left to go to DPS and they went through three,  
 13 four directors, executive directors. I was doing  
 14 Highway Patrol service here now, and they brought some  
 15 kids over, they invited me to a board meeting, and they  
 16 wanted me to come back.  
 17 And I said, I've got a good job, I've got a good  
 18 salary, and I don't -- I'm not looking for a job. And  
 19 they said, well, we just need to get the Boys & Girls  
 20 Club started back up again in Weslaco.  
 21 The people that we've had there, there's been  
 22 some complaints that are happening that we have to  
 23 dismiss the executive directors, and it's not running  
 24 the way -- the way they wanted it to run.  
 25 So thinking ahead -- the first time it was, no,

8 (Pages 26 to 29)

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1 and thank you for the food. And the second time they  
2 brought me in, they brought some kids in. And  
3 they're -- you know, they -- I guess it was staged  
4 because they go crying, we want our boys and girls club  
5 back. So I kind of looked at the president, and I said,  
6 you know, I'll be back. But you've got two years to  
7 find you an executive director.

8 Q. Okay.

9 A. And two years turned out to be 18, so. And  
10 I -- I went from -- I went from -- from one -- one  
11 central meeting place to seven in the school district,  
12 and then the main house.

13 Q. Okay. And --

14 A. And started Mercedes Boys & Girls Club and  
15 assisted with Donna Boys & Girls Club.

16 Q. Who approached you about returning to the Weslaco  
17 Police?

18 A. The board president.

19 Q. And who was that at that time?

20 A. Lorenzo Aguilar. He is no longer living, he's  
21 deceased.

22 Q. Okay. Now and you were there from 1985 through  
23 what year?

24 A. Through '89, I believe, all together with the  
25 Boys & Girls Club.

Page 31

1 Q. Okay. Because I thought I had looked at your  
2 resume and you had been there until 1997, was that -- am  
3 I mistaken?

4 A. Well, I -- the years, I mean, I've done -- if I  
5 look at the papers. It may be -- I updated my resume  
6 every time I left work and came back. It's hard to keep  
7 track of all of the years and where you've been, so.

8 Q. Well, and I don't think --

9 A. That's why I have the resume.

10 Q. I don't think I brought it but --

11 MR. CHANEY: You want me to see if I have it  
12 to give it to him?

13 MR. RUIZ: Yeah, that'd be great, if you  
14 don't mind.

15 THE WITNESS: Yeah, this is all -- oh, he's  
16 got it.

17 MR. CHANEY: I'll show you the one I have.  
18 I don't know how current that is, it's probably -- I  
19 think it's from your personnel file.

20 THE WITNESS: Uh-huh.

21 MR. CHANEY: So it's probably dated a little  
22 bit.

23 THE WITNESS: Yeah, this one needs to be  
24 upgraded just a little bit, but this is pretty  
25 much -- yeah.

Page 32

1 A. See, in '85 to '97 with the Boys & Girls Club.

2 Q. (By Mr. Ruiz) So that was 12 years?

3 A. Yes, sir.

4 Q. Okay.

5 A. And then I came back to Boys & Girls Club. Let  
6 me see --

7 Q. Is that shown anywhere?

8 A. Yes, sir. '74 to '77 is when I first started.

9 Q. Right.

10 A. We started the Boys Club and --

11 Q. And we discussed that one already?

12 A. So okay. And then I came back the second time  
13 and did '85 to '97.

14 Q. Okay. Did you ever come back to the Boys Club  
15 after becoming chief of police?

16 A. No, I passed that on to my wife.

17 Q. Oh, okay.

18 A. She became the executive director.

19 Q. Okay. So we can -- we can say that -- just to be  
20 sure on these dates, you were executive director of the  
21 Weslaco Boys & Girls Club from 1985 through 1997,  
22 correct?

23 A. That's correct, sir. That's correct.

24 Q. And if I'm correct, that's in 1997 you left the  
25 Boys Club to assume the job of police chief, would that

Page 33

1 be correct?

2 A. Yes, sir, that's correct.

3 Q. At any point during your tenure as executive  
4 director of the Boys & Girls Club, did you -- and I'm  
5 just trying to -- you had -- did they require that --  
6 the Boys & Girls Club of America require you that you  
7 take any courses in law enforcement or jail  
8 administration?

9 A. No, sir.

10 Q. Anything of that sort?

11 A. No, sir.

12 Q. Okay. And during this time that you were with  
13 the Boys & Girls Club, you served in the capacity of an  
14 Hidalgo County Sheriff's reserve officer?

15 A. Yes, sir.

16 Q. Okay. And as part of your position with the  
17 county as a reserve officer --

18 A. Uh-huh.

19 Q. -- what were your duties as a reserve officer?

20 A. I served as their -- their lieutenant and also  
21 got up to captain. I trained the defensive driving to  
22 incoming sheriff deputies from the academy, and some  
23 other courses that --

24 Q. Could -- could you explain how you would handle  
25 serving as executive director and also serving as an

9 (Pages 30 to 33)

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1 Hidalgo County reserve officer to me?

2 A. Very simple. It's 16 hours -- 16 hours a month  
3 by state law.

4 Q. Okay.

5 A. So that's all I gave them, 16 hours a month.

6 Q. Okay. So -- and they were scheduled whenever  
7 you -- they said you have --

8 A. Whenever they called and they need assistance --

9 Q. Okay.

10 A. -- then I would -- I would make arrangements to  
11 be there.

12 Q. And as a reserve officer, did you also -- did you  
13 qualify for any type of benefits, insurance benefits  
14 with the county or medical insurance?

15 A. No. The only thing they covered was -- was our  
16 insurance on work. If we worked, I'd get hurt during  
17 the line of duty, then they would cover that.

18 Q. Okay. In order to serve as a reserve officer  
19 those 16 hours every month, Chief Martinez, did the  
20 county require that you continue law enforcement or  
21 attend law enforcement courses and training?

22 A. The state requires you.

23 Q. Okay.

24 A. And the county also.

25 Q. And would you have to comply -- so you did -- you

Page 35

1 did take courses --

2 A. Yes, sir, I did.

3 Q. -- during that timeframe?

4 A. Yes, sir, I did.

5 Q. So even though you were serving as executive  
6 director of the Boys & Girls Club, you also were a  
7 reserve officer, but in order to do that job as a  
8 reserve officer, you had to take continuing law  
9 enforcement education courses?

10 A. That's correct.

11 Q. Okay. Would this document show us what  
12 correspondences you took --

13 A. Yes, sir.

14 Q. -- during that timeframe?

15 A. Yes, sir. Basically, they would be in there. It  
16 has to do with -- anything having to do with  
17 continuation.

18 Q. And there's -- so we would look from 19 -- 1981,  
19 right?

20 A. Yes, sir.

21 Q. That would be our start date?

22 A. Yes, sir.

23 Q. And --

24 MR. CHANEY: Mauro, would you mind if we --  
25 if we marked this?

Page 36

1 MR. RUIZ: Oh, no, not at all.

2 MR. CHANEY: Just so that we're talking  
3 about it --

4 MR. RUIZ: Yeah.

5 MR. CHANEY: -- instead of this document and  
6 just so the record is clear that it's the TCLEOSE  
7 printout that I gave you this morning from Chief --

8 MR. RUIZ: That's fine.

9 MR. CHANEY: You want to mark which one?

10 MR. RUIZ: You can mark his.

11 MR. CHANEY: Okay.

12 MR. RUIZ: There's a little area right here.

13 MR. CHANEY: I'm just -- I'm going to take a  
14 second, Chief.

15 THE WITNESS: Okay, sure.

16 MR. CHANEY: Just so when we refer to the  
17 document it's -- we're talking about Exhibit 1, okay?

18 THE WITNESS: Okay.

19 MR. RUIZ: So let the record reflect that  
20 Exhibit 1 is the Texas Commission on Law Enforcement  
21 Officer Standards and Education personal information  
22 Juan D. Martinez.

23 (Plaintiff's Exhibit No. 1 marked.)

24 MR. CHANEY: Thank you.

25 MR. RUIZ: Yes, sir, thank you.

Page 37

1 A. I don't see them on here. I don't see them  
2 showing.

3 Q. (By Mr. Ruiz) Because it -- you would think  
4 they'd be on the last page, right?

5 A. Ethics, general inservice training '97 and '98  
6 patrol tactics. Also, '98 -- that's in '98. '95 to  
7 '97 -- here it is. Hidalgo County Sheriff Academy at --  
8 from '96 -- it'll be the last courses down here.

9 Q. Is that on -- that's from Page 6?

10 A. That's on Page 6.

11 Q. Of Exhibit 1, right?

12 A. Yes, sir.

13 Q. Okay. And you're looking at a timeframe that  
14 shows September 1st of 1995 through August 31st of 1997,  
15 correct?

16 A. That's correct.

17 Q. Okay. And during those two years you took  
18 your -- your 40 hours?

19 A. Yes, sir.

20 Q. Of -- okay. Are they called continuing law  
21 enforcement?

22 A. Continuing -- yeah, continuing education, and  
23 then state mandated courses.

24 Q. Okay.

25 A. For law enforcement.

10 (Pages 34 to 37)

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1 Q. And those courses were Course No. 31, do you see  
2 that, sir --  
3 A. Uh-huh.  
4 Q. -- that top course 31 --  
5 A. Yeah.  
6 Q. -- and it says law?  
7 A. Yeah.  
8 Q. And that course date was May 9th of '96?  
9 A. May 9th of '96, yes, sir.  
10 Q. And that was for five hours?  
11 A. For five hours, yes, sir.  
12 Q. Do you recall what was taught during that course,  
13 sir?  
14 A. You have everything from traffic law enforcement  
15 to arrests, search warrants, anything having to do  
16 with -- with daily operation of a peace officer.  
17 Q. Okay. And did that course involve any training  
18 on jail administration or jail standards?  
19 A. Yes, sir.  
20 Q. It did?  
21 A. Yes, sir.  
22 Q. How long -- what percentage of that course was  
23 dedicated to that?  
24 A. Oh, man, I would say about a couple of hours, two  
25 hours.

Page 39

1 Q. Were you tested at the result -- at the -- at the  
2 end of that course?  
3 A. Yes, sir.  
4 Q. Okay, okay. And what do you recall regarding  
5 jail standards? Was it a very -- was it specialized  
6 training or was it more general?  
7 A. It's general.  
8 Q. Okay. And that one -- that course was put on by  
9 the Hidalgo County Sheriff's Academy?  
10 A. Yes, sir.  
11 Q. Correct?  
12 A. Uh-huh.  
13 Q. Okay. The other course you -- you took during  
14 the timeframe of September 1st, '95 through August 31st,  
15 1997 was one -- was course No. 3939, cultural diversity?  
16 A. Yes, sir.  
17 Q. Did I read that correctly?  
18 A. Yes, sir.  
19 Q. And that one -- that course date was on May 9th,  
20 1996 as well, right?  
21 A. That's correct.  
22 Q. And that course, you -- you secured or you  
23 obtained 13 hours worth of course credit?  
24 A. Yes, sir.  
25 Q. Okay. Did that course train -- train you or

Page 40

1 provide any training regarding jail standards and jail  
2 administration?  
3 A. All of the courses that were took under the  
4 Sheriff's Academy had at one point or another, 30  
5 minutes to an hour of handling of prisoners, booking  
6 prisoners, and the -- in the jail facility.  
7 Q. Okay.  
8 A. So very, very general, what you do, what you  
9 don't do is what -- what was -- what was discussed and  
10 touched on.  
11 Q. Okay. And so during these -- I'm just looking at  
12 these --  
13 A. Sure.  
14 Q. -- at the bottom of Page 6.  
15 A. Sure.  
16 Q. If we look at those, did any of those courses  
17 address the handling of detainees or prisoners with  
18 mental illness or mental disorders?  
19 A. Yes, sir.  
20 Q. Okay. Did -- did they address how to handle  
21 suicidal detainees?  
22 A. Yes, sir.  
23 Q. It did? Okay. So if we look back at those  
24 course materials, if I get copies of those, they would  
25 be -- these four right here, Course 3100?

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1 A. Uh-huh.  
2 Q. 3939 on cultural diversity. 3232 --  
3 A. Uh-huh.  
4 Q. -- special investigative topic?  
5 A. Uh-huh.  
6 Q. And 3200 investigations?  
7 A. That's correct.  
8 Q. Your testimony is that they all touch upon, in  
9 general terms, on handling prisoners?  
10 A. Handling prisoners, yes.  
11 Q. Okay. Do they -- are they specific enough to  
12 address issues concerning handling prisoners with mental  
13 illness, mental instability, and with -- and prisoners  
14 who are suicidal?  
15 MR. CHANEY: Objection, form. You can  
16 answer I just --  
17 A. Very general, as to what -- how the -- how to  
18 handle the prisoners.  
19 Q. (By Mr. Ruiz) Okay. And what did -- what do you  
20 recall from those courses? Because these are courses  
21 you took at the Hidalgo County Sheriff's Academy,  
22 correct?  
23 A. Yes, sir.  
24 Q. Okay. What do you recall being trained back in  
25 1996?

11 (Pages 38 to 41)

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1 A. Okay. About more having to do with  
2 anger -- anger management; and also people with -- with  
3 problems, anger problems; and also those that are  
4 suicidal.

5 And you know, that those need to be evaluated,  
6 assessments done, evaluated by the proper folks, and  
7 then either released or -- or continued safety  
8 evaluation.

9 Q. Did those courses concerning the -- the detainees  
10 who were suicidal, did they -- did they address, or did  
11 they teach you how to identify suicidal detainees?

12 MR. CHANEY: Objection, form. You can  
13 answer, I just --

14 THE WITNESS: Okay.

15 MR. CHANEY: Unless I -- unless I tell you  
16 not to answer, you can answer.

17 THE WITNESS: Okay.

18 MR. CHANEY: But I need to do this for the  
19 record.

20 THE WITNESS: Sure, no problem.

21 A. Yeah.

22 Q. (By Mr. Ruiz) They did?

23 A. Yes, sir, they did.

24 Q. And what's your understanding as to how to  
25 identify prisoners who may be suicidal?

Page 43

1 A. There's usually marks that they have where  
2 they've tried to hurt themselves, prior history,  
3 parents, relatives that -- that would bring that to your  
4 attention.

5 Q. And by marks, you mean marks on their bodies such  
6 as cuts.

7 A. Yes, sir. I mean, something out of the ordinary,  
8 not just little cuts. I mean, in vital -- vital places.

9 Q. Like the wrists?

10 A. The wrist, the neck, the -- you know.

11 Q. Linear cuts, as opposed to other types of cuts?

12 A. Linear cuts, right.

13 Q. Because you can assume that was done with an  
14 object?

15 MR. CHANEY: Objection, form.

16 A. Abrasions -- abrasions, scratches, that was not  
17 considered suicidal.

18 Q. (By Mr. Ruiz) Okay. But linear cuts or linear  
19 marks would be?

20 A. Deep cuts, linear cuts where --

21 Q. Okay.

22 A. -- a great amount of blood loss was -- was  
23 visible.

24 Q. Okay.

25 A. Yeah.

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1 Q. And so -- and these --

2 A. Consciousness, unconsciousness.

3 Q. And you learned this -- it's your testimony you  
4 were exposed to these topics during these courses during  
5 the timeframe of September 1st, 1995 through  
6 August 31st, 1997?

7 A. Yes, sir.

8 Q. And I'm just curious about this Course  
9 3232 special investigative topics --

10 A. Narcotics.

11 Q. Narcotics? So that course --

12 A. Narcotics, gang prevention.

13 Q. Okay.

14 A. Gang involvement.

15 Q. Okay. And that one was also on May 7th of  
16 1996 --

17 A. Yes, sir.

18 Q. -- correct?

19 A. Yes, sir.

20 Q. So that one did not include jail administration  
21 issues or prisoner handling issues, correct?

22 A. Yeah.

23 Q. It did?

24 A. They all did, yeah.

25 Q. Okay. Well, okay, and investigations, what were

Page 45

1 the -- what were the main topics that were discussed  
2 upon?

3 A. Okay. Investigations was from building a case,  
4 and then of course going from the time that the -- that  
5 the arrest was made to the time that it was gone through  
6 the jurisdiction -- the judicial system.

7 Q. Okay. And that -- that one also addressed a jail  
8 administration?

9 A. Investigations, yes, sir.

10 Q. Okay.

11 A. You'd have to investigate all the -- all -- if  
12 they're suicidal, you can't just say, well, he's  
13 suicidal. Well, you have to -- you have to investigate.

14 Q. But were those two courses special investigative  
15 topics, which is 3232, and 3200 investigations, were  
16 they -- did they address substantively issues concerning  
17 the handling of suicidal detainees?

18 A. Very general.

19 Q. Okay.

20 A. Not --

21 Q. And according to Exhibit No. 1, you were no  
22 longer a reserve officer on September 30th, 1997,  
23 correct?

24 A. That's correct, sir.

25 Q. At that point, or the fall -- during the fall of

12 (Pages 42 to 45)

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1 1997, you became executive -- strike that.

2 During the fall of 1997, I think it was  
3 October 1st, you became police chief for the City of  
4 Weslaco?

5 A. That is correct.

6 Q. Okay. What were your job duties as the police  
7 chief for the City of Weslaco?

8 A. To oversee the -- the department, the police  
9 department, budget, and also the -- making sure  
10 that -- that the requirements for TCLEOSE on each peace  
11 officer were met.

12 Q. Okay. Before I move on, Chief, the last page of  
13 Exhibit No. 1 lists some courses from September 1st,  
14 1987 through August 31st, 1989, do you see that, sir?

15 A. '88, '89? Recognition, child abuse and neglect.

16 Q. Right.

17 A. Is that what you're talking about?

18 Q. Right. And in the -- and the two courses that  
19 you took during that timeframe were Course No. 3601  
20 recognition of child abuse?

21 A. Yes, sir, patrol tactical.

22 Q. Patrol tactical, which is Course No. 3300?

23 A. Yes, sir, uh-huh.

24 Q. Did these courses address issues of handling  
25 detainees with mental illness and who are suicidal?

Page 47

1 A. The recognition of child abuse or neglect.

2 Q. It did? Tell me -- tell me what it taught you.

3 A. Well, it showed us autistic and also when they  
4 get real angry and -- I can't find the word right now.  
5 Bipolar.

6 Q. Well, and did -- did these courses address issues  
7 of identification, screening and monitoring of detainees  
8 inside a -- a jail?

9 A. No, no.

10 Q. Okay.

11 A. I mean, they're strictly out on the field.

12 Q. Okay, okay. Now, the last course that we see on  
13 Exhibit No. 1 is dated -- was from 1985, and for the  
14 timeframe of 19 -- of September 1st, 1985 through  
15 August 31st, 1987, correct?

16 A. Uh-huh, that's correct.

17 Q. And that's called -- that's Course No. 9999,  
18 that's other inservice training?

19 A. Yes, sir.

20 Q. And that was done by the Texas Department of  
21 Public Safety. What does LEA stand for?

22 A. Law Enforcement Academy.

23 Q. Okay. And it shows that you -- you obtained 957  
24 hours of course work?

25 A. Yes, sir.

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1 Q. And is that -- was that provided like on a weekly  
2 basis at DPS, or how did that work?

3 A. No, that was through the inservice, two weeks  
4 inservice.

5 Q. Two weeks inservice?

6 A. Yeah, uh-huh.

7 Q. Okay. And did that course, what were the -- what  
8 were the topics covered by that Course 9999 back in --

9 A. Field work, outside highway patrolman work,  
10 traffic enforcement, criminal enforcement, and that's  
11 basically what it did.

12 Q. Okay. Did that course include any topics  
13 concerning the identification, screening and monitoring  
14 of suicidal detainees in -- in the jail confines?

15 A. Yes, sir, it's some of the training mandates for  
16 the State --

17 Q. Yeah.

18 A. -- of Texas, you covered working with -- with  
19 suicidals and -- and special needs subjects  
20 identification.

21 Q. I understand those are the requirements, but I'm  
22 saying did you -- were you actually -- did the course  
23 work address those issues?

24 A. Yes, sir.

25 Q. In that course work 9999?

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1 A. Yes, sir.

2 Q. Okay. And it did address how to identify, screen  
3 and monitor detainees who were going to be booked and  
4 incarcerated?

5 A. Yes, sir.

6 Q. Okay. And how many hours were dedicated to that?

7 A. Oh, I would say, anywhere from two to four hours.

8 Q. Okay. And when you get credit for two or four  
9 hours worth of course work, is it actual two to four  
10 hours worth of -- of time that you spend on it? Or is  
11 it 50 minutes, let's say, for an hour and you still get  
12 the credit for one hour?

13 A. No, we get two to four hours.

14 Q. Two to four? Whatever time you spend inside the  
15 classroom?

16 A. That is correct.

17 Q. That's the number of credit hours you get?

18 A. Yes, sir.

19 Q. Okay. Even though you said you became an Hidalgo  
20 County reserve officer in 1981, am I correct in stating  
21 that this Exhibit No. 1, which -- which reflects your  
22 course history and your training, does not reflect any  
23 type of courses or training from -- prior to  
24 September 1st, 1985, is that correct?

25 A. That's correct, uh-huh.

13 (Pages 46 to 49)

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1 Q. Okay. Were those -- could those courses be  
2 recorded somewhere else, or do you know why that is?

3 A. No, I sure don't. Maybe they're -- they weren't  
4 required at that time, that's the only thing I can think  
5 of. Because everything that's on here is a required  
6 course.

7 Q. But when you -- when you graduated from the  
8 academy --

9 A. Uh-huh.

10 Q. -- and you were first a -- and you were a trooper  
11 back in 1978, there were requirements -- there were  
12 requirements that you continued training education  
13 courses, right?

14 A. Yeah, every two years.

15 Q. Every two years?

16 A. Yes, sir.

17 Q. Okay.

18 A. As mandated by the State.

19 Q. So --

20 A. Inservice.

21 Q. Okay, inservice. So would it be fair to say that  
22 from the time you graduated the academy in 1978 -- or  
23 was that '77?

24 A. Well, school of '77, graduated in '78.

25 Q. Okay. After graduating from school in '77 --

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1 A. Uh-huh.

2 Q. -- through 1985, there were -- are no courses  
3 that are recorded in this Exhibit No. 1?

4 A. I don't believe so, not after the two years of  
5 inservice.

6 Q. Okay. And am I -- so am I correct in saying  
7 that?

8 A. Yes, sir.

9 Q. So by virtue of being employed at the Hidalgo  
10 County Sheriff's Office as a reserve officer you kept  
11 your peace officer's license, correct?

12 A. That is correct.

13 Q. And like you -- like we just discussed, you  
14 continued with training?

15 A. Yes, sir.

16 Q. Okay. While -- while you were at the police  
17 academy, the DPS Police Academy, Chief Martinez, was  
18 there any specific course on jail administration that  
19 you were required to take?

20 A. Not specific, it's all in general.

21 Q. And while at the DPS Academy, did you receive any  
22 jail training on handling detainees with mental health  
23 problems, including suicide, in a specific course?

24 A. That's correct. Yes, we did.

25 Q. You did?

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1 A. Yeah.

2 Q. Okay. How long was that course you said?

3 A. Well, all throughout the academy there's certain  
4 things that are talked about, arrestees, detainees, and  
5 there's always talk about the handling of special needs  
6 prisoners.

7 Q. And those special needs issues, for these  
8 prisoners did they include identification, screening,  
9 booking and monitoring?

10 A. Yes, sir.

11 Q. So when you applied for position of chief of  
12 police -- Weslaco chief of police in 1997, would it be  
13 correct to say that you had 15 years of experience as an  
14 executive director of the Boys & Girls Club and that you  
15 had five years of experience as a full-time law  
16 enforcement officer with DPS?

17 A. That's right, plus reserve time is not recorded  
18 on there. Well, it is. It is, reserve time 16 years  
19 and four months.

20 Q. And during that reserve time and as a reserve  
21 officer, did you have any supervisory duties over  
22 anybody?

23 A. Yes, sir.

24 Q. Okay. How many -- who did you supervise?

25 A. Other reserve officers.

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1 Q. Did you have any -- were you required to  
2 supervisor jailers?

3 A. Yes, sir.

4 Q. And at which jail?

5 A. Hidalgo County Sheriff's Department.

6 Q. Were you required, as part of your job, to  
7 perform evaluations on jailers concerning their work  
8 practices and whether they're meeting the -- meeting  
9 their job description?

10 A. Not on -- not a -- a regular evaluation that was  
11 done by full-time employees.

12 Q. Okay.

13 A. We were -- as a reservist, you're considered a  
14 reserve officers. You have supervisory -- if you're  
15 from the rank of sergeant all the way up to major, you  
16 have supervisory responsibilities, other  
17 than -- than putting it down on paper.

18 The regular lieutenant, the regular sergeant,  
19 would -- we would work there only when someone was going  
20 to be off.

21 Q. Okay.

22 A. Or someone -- that's what a reserve does.

23 Q. Okay. So you cover for --

24 A. You cover for regular police officers.

25 Q. Okay.

14 (Pages 50 to 53)

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1 A. Regular deputies.  
 2 Q. And during the -- and as a reserve officer, when  
 3 you covered for the full-time officers, you were  
 4 never -- were you ever assigned day-to-day activities,  
 5 let's say, over the jail?  
 6 A. No, sir.  
 7 Q. Or the jailers, for that matter? Is that a no?  
 8 A. Yes, sir.  
 9 Q. Okay. What prompt -- or who prompted you, or why  
 10 did you want to serve as police chief for the City of  
 11 Weslaco in 1997?  
 12 A. I liked law enforcement, and I like  
 13 administration, and I wanted to get back into law  
 14 enforcement.  
 15 Q. Chief Martinez, who was the mayor back then?  
 16 A. The mayor back then was -- I want to say Jo  
 17 Sanchez -- no, I'm sorry, Dr. Cuellar, Armando Cuellar.  
 18 Q. Okay. And who was the city manager?  
 19 A. The city manager back then was -- I want to say  
 20 Frank Castellanos, that was the second time. The first  
 21 time -- the first city manager -- yeah, I think it was  
 22 Frank.  
 23 Q. And is in 1997 that we're talking about?  
 24 A. Yes, sir. Frank Castellanos the one that hired  
 25 me.

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1 Q. Is he still the city manager?  
 2 A. No, sir, he's personnel now.  
 3 Q. Is he still employed by the City of Weslaco?  
 4 A. He's employed by the City of Weslaco.  
 5 Q. And do you still keep in touch with  
 6 Mr. Castellanos?  
 7 A. No, sir.  
 8 Q. What did Mr. Castellanos and the City of Weslaco  
 9 require that you do before becoming chief of police?  
 10 A. Well, we fill out an application, interview, be  
 11 selected, and then recommended by the recommendations be  
 12 made -- be in the top three selection, and then  
 13 recommended by the mayor and commissioners.  
 14 Q. And chief, were there other persons completing  
 15 for this position at the time?  
 16 A. Yes, there were.  
 17 Q. Who were those persons, do you remember?  
 18 A. Yes, Perez, Joe Perez, who just recently  
 19 resigned. Joe Perez, it was Victor Escalone, it was  
 20 DPS -- retired DPS.  
 21 Q. He was retired DPS?  
 22 A. Yes, sir. And myself.  
 23 Q. Okay. Who was -- who was the chief immediately  
 24 before you were appointed?  
 25 A. They went through several, three months, two

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1 months, one year.  
 2 Q. And the last one?  
 3 A. Big turnover. The last one was, I think, Garza  
 4 who is now an attorney.  
 5 Q. What's his first name?  
 6 A. I can't remember his first name, Chief Garza.  
 7 I'm sure he's --  
 8 Q. Okay. And so you first assumed the position of  
 9 Weslaco police chief in October of 1997, correct?  
 10 A. That's correct.  
 11 Q. What departments did you oversee as chief of  
 12 police --  
 13 A. All of them.  
 14 Q. -- for Weslaco?  
 15 A. All of the departments.  
 16 Q. And would those departments, would they include  
 17 the communications department?  
 18 A. Yes, sir.  
 19 Q. Would they include the jail?  
 20 A. Yes, sir.  
 21 Q. The --  
 22 A. CID.  
 23 Q. What is CID?  
 24 A. Criminal investigation division. Patrol  
 25 division, community policing.

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1 Q. Community?  
 2 A. Community policing.  
 3 Q. Okay.  
 4 A. DEA task force unit.  
 5 Q. Okay.  
 6 A. Narcotics unit. And that's it.  
 7 Q. So we have the jail, you have -- we have the  
 8 communications department?  
 9 A. Yes, sir.  
 10 Q. And that's where you have the dispatchers?  
 11 A. Yes, sir.  
 12 Q. Okay. The criminal investigation  
 13 department -- division?  
 14 A. Yes, sir.  
 15 Q. Patrol division?  
 16 A. Yes, sir.  
 17 Q. Community policing?  
 18 A. Yes, sir, division.  
 19 Q. Division? DEA task force?  
 20 A. HIAT task force.  
 21 Q. And narcotics?  
 22 A. And also, we had an officer assigned to the FBI  
 23 task force.  
 24 Q. And from the time you first became police chief  
 25 in October of 1997 through today, the Weslaco Police

15 (Pages 54 to 57)

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1 Department operates a municipal jail, correct?

2 A. That's correct.

3 Q. And as the Weslaco police chief, you were the  
4 final policy maker regarding jail operations --

5 A. That's correct.

6 Q. -- during your tenure as chief of police?

7 A. That's correct. With the assistance of our -- of  
8 our captains, and lieutenants, and sergeants, but I was  
9 the final approval.

10 Q. Okay. And in May of 1997, who were the -- who  
11 assisted you with --

12 A. Captain --

13 Q. -- the jail operations?

14 A. In '97.

15 Q. No, no. In -- I'm sorry, strike that question.

16 In May of 2007, who assisted you with the  
17 day-to-day operations of the jail?

18 A. Captain Walinsky.

19 Q. And Captain Walinsky, what percentage did you --  
20 did you have him out on patrol?

21 A. No, sir.

22 Q. He was inside?

23 A. Yes, sir.

24 Q. And his job duties as a captain, what did they  
25 include?

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1 A. To oversee the -- the jail, administer -- the  
2 personnel.

3 Q. And that would be personnel over the jail or over  
4 the entire police department?

5 A. The jail.

6 Q. The jail, okay.

7 A. The jail and then other duties, grant -- assist  
8 with grants.

9 Q. Would that be grant writing?

10 A. Grant writing.

11 Q. Okay.

12 A. And also --

13 Q. For the jail?

14 A. -- supplies for the -- yeah, for the jail --

15 Q. Okay.

16 A. -- and for the entire department.

17 Q. Okay.

18 A. The fleet, the motor vehicle fleet.

19 Q. That would be all the police fleet?

20 A. All police vehicles, yeah.

21 Q. Okay. So what -- what percentage of his day  
22 would you say was dedicated towards operating, running  
23 the jail.

24 A. I would say about -- anywhere from 40 to 60  
25 percent.

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1 Q. Okay. The rest of his time, the remaining, I  
2 guess, 60 to 40 percent depending, what -- what would he  
3 do that was non-jail related?

4 A. The rest of the other assignments --

5 Q. Okay.

6 A. -- that I mentioned.

7 Q. Which would be the police fleet?

8 A. The fleet, communications.

9 Q. Oh, was he over communications?

10 A. He over -- in the absence of myself and also  
11 Martha Saenz, who is the administrative assistant.

12 Q. Is she like a secretary for the communications  
13 department?

14 A. Well, she's more of an administrative assistant  
15 for the -- for the office of the chief, and also a  
16 supervisor for communications and clerks.

17 Q. Okay.

18 A. I mean, the identification clerks, ID clerks.

19 Q. So Captain Walinsky was responsible for jail  
20 operations, and that would include the hiring of  
21 jailers?

22 A. He sat on the -- on the interview, yes.

23 Q. Okay. He would also -- would he also fire, have  
24 the authority to fire jails and recommend that firing?

25 A. The recommendation was made.

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1 Q. Okay. And you would be the --

2 A. I had the authority.

3 Q. You had the authority to accept the  
4 recommendation or reject it?

5 A. That's correct.

6 Q. And he --

7 A. But the final say so would be from the city  
8 manager. I would make that same recommendation that was  
9 made to me by the captain to the city managers, the city  
10 manager is the ultimate --

11 Q. Okay. Even over the position of jailer?

12 A. Yes, sir. In all -- in all areas, in call city  
13 run operations.

14 Q. Is that because --

15 A. Because he's the city manager.

16 Q. -- it's civil service?

17 A. No, civil service is -- the civil service is the  
18 police officers.

19 Q. Okay.

20 A. Any civilian employees.

21 Q. Okay. Well, were jailers police -- were they  
22 civilian employees?

23 A. Civilian employees.

24 Q. The dispatchers?

25 A. Civilian employees.

16 (Pages 58 to 61)

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1 Q. But Weslaco police officers were civil service --  
 2 A. Civil service.  
 3 Q. -- employees?  
 4 A. Employees, yes.  
 5 Q. Okay. So if there was an issue with the  
 6 termination of a police officer, it would be addressed  
 7 through civil service commission?  
 8 A. Yes, sir.  
 9 Q. However, if there was an issue with a --  
 10 A. Civil -- a civilian employee.  
 11 Q. -- a civilian employee --  
 12 A. It goes up to the city manager.  
 13 Q. -- like jailer or dispatcher it would go --  
 14 A. All the way up to the city manager.  
 15 Q. Captain Walinsky would make that recommendation  
 16 to you?  
 17 A. Or whoever is assigned or oversees that  
 18 particular division.  
 19 Q. Okay.  
 20 A. We had 105 personnel.  
 21 Q. Okay. And then you would forward that  
 22 recommendation --  
 23 A. The recommendation would be made to me.  
 24 Q. -- to the city manager?  
 25 A. And whether or not I followed that same

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1 recommendation, then that recommendation followed up to  
 2 the city manager.  
 3 Q. Okay. I've got you. I understand, thank you.  
 4 A. Yeah.  
 5 (Plaintiff's Exhibit No. 2 marked.)  
 6 Q. (By Mr. Ruiz) Chief Martinez, I'm going to hand  
 7 you what's been marked as Exhibit No. 2.  
 8 A. Yes, sir.  
 9 MR. RUIZ: I've got an exhibit for you,  
 10 Mr. Chaney.  
 11 MR. CHANEY: Okay, thank you.  
 12 Q. (By Mr. Ruiz) Chief, what is Exhibit No. 2, sir?  
 13 A. Exhibit No. 2 is jail and detention procedures.  
 14 Q. Okay. And if you -- if you look at the -- and  
 15 that starts with Bate stamp No. 29 at the bottom, do you  
 16 see that, sir?  
 17 A. Yes, sir.  
 18 Q. And it goes to 39, approximately, 10 pages?  
 19 A. I've got to 28.  
 20 Q. Okay.  
 21 A. Wait a minute.  
 22 Q. You also have 27 and 28?  
 23 A. 27, 28, okay. 39, yes, sir.  
 24 Q. And I did it like this because that's how it  
 25 was -- it was produced during the discovery process --

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1 A. Uh-huh.  
 2 Q. -- by your lawyers, and if you look at the last  
 3 two pages --  
 4 A. Yeah, it's also just the --  
 5 Q. -- it says -- it talks about the June 3rd letter,  
 6 which is Bate stamped No. 27.  
 7 A. Uh-huh.  
 8 Q. It's a memo from you, revised jail and detention  
 9 procedures, attached is a revision to general order 705  
 10 jail detention procedures.  
 11 A. That's correct.  
 12 Q. Please read and replace the two pages from your  
 13 Weslaco Department General Orders Manual.  
 14 A. Uh-huh.  
 15 Q. Okay. And then No. 28 also talks about amended  
 16 general orders for the bicycle patrol unit and the jail  
 17 and detention procedures, do you see that?  
 18 A. Yes, sir.  
 19 Q. And these orders are in effect, and it says here,  
 20 it's a directive to your police officers, right?  
 21 A. Yes, sir.  
 22 Q. It is your responsibility to read and insert them  
 23 in your Weslaco Police Department General Order Policies  
 24 and Procedures Manual.  
 25 A. Uh-huh.

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1 Q. Did I read that correctly?  
 2 A. That's correct.  
 3 Q. All police personnel are to comply with these  
 4 directives?  
 5 A. That is correct.  
 6 Q. Did I read -- okay. I just don't know what the  
 7 changes were in these policies. I don't know if these  
 8 were the policies that were in effect during May of  
 9 2007, and if -- if so, that's fine, I just -- I'm just  
 10 trying to determine, what were the pages that were  
 11 included in June 3rd of '09 --  
 12 A. It tells you here, the General Order 63.08  
 13 bicycle patrol unit.  
 14 Q. Okay.  
 15 A. And Order 705.  
 16 Q. Okay.  
 17 A. So 705 would be this -- this entire -- entire  
 18 policy manual.  
 19 Q. So it would be from --  
 20 A. To make it more -- more enhance, they had very,  
 21 very vague policies --  
 22 Q. Well --  
 23 A. -- and what we did was -- was just enhanced --  
 24 Q. Okay. Well, do you know --  
 25 A. -- and put a little bit more meat into the

17 (Pages 62 to 65)

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1 procedures.

2 Q. Okay. So these -- so what were -- what were the  
3 sections of the jail and detention procedures that were  
4 added?

5 A. Responsible --

6 MR. CHANEY: Let him finish the question.

7 THE WITNESS: Okay, okay. I'm sorry.

8 Q. (By Mr. Ruiz) What sections were added with your  
9 memos in '08 and in '09?

10 A. There was no additional sections added. What was  
11 done was they were -- they were enhanced and --

12 Q. Could you give me an example?

13 A. For example, they would go into responsibility of  
14 personnel, and it was very vague. We added -- we added  
15 B and C so we could --

16 Q. Right.

17 A. In addition to rules and regulations, general  
18 orders Weslaco Police Department personnel assigned to  
19 jail will be responsible for duties specified in any --

20 MR. CHANEY: Chief, if you're going to read,  
21 you've got to slow down.

22 THE WITNESS: Oh, okay.

23 MR. CHANEY: Because she's -- she's got to  
24 take everything down.

25 THE WITNESS: Oh, okay. All right, all

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1 right.

2 MR. RUIZ: Yeah.

3 MR. CHANEY: So just try to remember.

4 A. And we would add -- like we have to jail  
5 commander at that time, there was no jail commander, and  
6 then we -- when I got in.

7 Q. (By Mr. Ruiz) Okay.

8 A. And since then we didn't know we have a jail  
9 commander, so we need to address, you know, a little bit  
10 about the jail commander.

11 Q. So --

12 A. And then break it down to the jailers also.

13 Q. Okay. So in June of 2009, you revised the jail  
14 and detention procedures by adding Section B for the  
15 jail commander?

16 A. By adding the commander.

17 Q. And by adding Section C for jailers?

18 A. Yes, sir.

19 Q. If I would have looked at this -- at this jail  
20 and detention procedures --

21 A. Uh-huh.

22 Q. -- prior to -- prior to 2008, it wouldn't have a  
23 section on jail commander or jailers, correct?

24 A. I believe, no, it would not.

25 Q. It would not? So I am correct in saying that

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1 there would have been -- under Roman numeral three,  
2 there would not have been a section regarding the  
3 responsibilities of the jail commander or of the jailers  
4 in the Weslaco Police Department Jail and Detention  
5 Procedures, would that be correct?

6 A. That would be correct.

7 Q. And that would have also been true in May of  
8 2007, correct?

9 A. That would be correct.

10 Q. So in May of 2007, there would not have been any  
11 section in the jail -- in the Weslaco Police Department  
12 Jail and Detention Procedures that would set out the  
13 responsibilities of a jail commander or of jailers, is  
14 that correct?

15 A. There was a -- there was for jailers, but again,  
16 like I said, it was -- it was about four or five  
17 bullets, and what we need to do -- after making a  
18 complete assessment, and looking at other communities as  
19 to their procedures, then we came up with our --

20 Q. Okay.

21 A. Added some additional things.

22 Q. Well, then let me -- let's take the -- let's take  
23 the timeframe of May 2007, okay?

24 A. Okay.

25 Q. I want to know what -- what were the jail and

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1 detention procedures look like in May of 2007? Did it  
2 include a section under Roman numeral three of  
3 responsibilities of personnel that addressed what the  
4 jail commander would do?

5 A. No.

6 Q. Okay. In May of 2007, did the Weslaco Police  
7 and -- Police Department Jail and Detention Procedures,  
8 would it have a section under Roman numeral three,  
9 responsibilities of personnel, that included the duties  
10 and responsibilities of jailers?

11 A. Yes, sir.

12 Q. Okay. And what -- you said there were several  
13 bullets, correct?

14 A. Yes, sir.

15 Q. Do you remember -- would you know what bullets  
16 were included back in 2007 in the -- the version that  
17 was in effect at the time?

18 A. I would have to look at -- at a -- I'm sure that  
19 the -- they have them at the police department, they  
20 should keep them, the prior -- the prior policies and  
21 then new policies.

22 Q. Okay.

23 A. Let me see if I can see.

24 Q. Okay.

25 A. Like, for instance, No. 5, meet arresting officer

18 (Pages 66 to 69)

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1 at the prison and drop off from reception -- reception  
 2 of the prisoners.  
 3 Q. That was included back in May of 2007, that was  
 4 in here?  
 5 A. That was added on.  
 6 Q. Oh, this was added?  
 7 A. Usually, they -- the officer would bring the  
 8 prisoner in, and now, with this, they would -- once they  
 9 get into the Sally port -- what they call Sally port --  
 10 the jailer would go up and assist --  
 11 Q. Okay.  
 12 A. -- with the prisoner. In other words, they would  
 13 take full control of the prisoner from that point on --  
 14 Q. Okay.  
 15 A. -- to the inside.  
 16 Q. And what other -- and this may be kind of hard,  
 17 Chief --  
 18 A. Yeah, no.  
 19 Q. -- because you have two memos with two revisions,  
 20 and I was going to ask you, do you know which ones were  
 21 added in '08 and which ones were added in '09?  
 22 A. I mean, you're talking some time back. I'd have  
 23 to sit down and go over them, and then I would be able  
 24 to compare both.  
 25 Q. Okay.

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1 A. I mean, it's impossible for me.  
 2 Q. All right.  
 3 A. I can't answer that.  
 4 Q. And would -- would Captain Walinsky --  
 5 A. Yes, sir.  
 6 Q. -- know?  
 7 A. Yes, sir.  
 8 Q. Do you recall if there were any changes made in  
 9 '08 or '09 to the Weslaco PD Jail and Detention  
 10 Procedures that effected Roman numeral one, purpose and  
 11 policy?  
 12 A. No, sir.  
 13 Q. No, there weren't any?  
 14 A. No, sir, there weren't any.  
 15 Q. There weren't any?  
 16 A. The policy --  
 17 Q. Okay. So we look at the policy under -- under  
 18 Roman numeral one purpose and policy --  
 19 A. Uh-huh.  
 20 Q. -- B policy, it reads, the policy set forth in  
 21 the jail and detention procedures are established to  
 22 assist department employees in determining appropriate  
 23 practices in dealing with the day-to-day operations of  
 24 the facility.  
 25 A. Uh-huh.

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1 Q. Did I read that correctly?  
 2 A. Yes, sir.  
 3 Q. The procedures are as complete as necessary,  
 4 however, since it is impossible to cover every  
 5 conceivable incident that a member of this department  
 6 may encounter during day-to-day activities, much is left  
 7 to the intelligence, common sense and the discretionary  
 8 judgment of the individual, did I read that correctly?  
 9 A. That's correct.  
 10 Q. Okay. Then under Section C, it reads, standard  
 11 operating procedure. This is section was also in effect  
 12 in May of 2007, correct?  
 13 A. Yes, sir.  
 14 Q. The jail and detention procedures will be  
 15 maintained and updated at the discretion of the chief of  
 16 police or the jail supervisor?  
 17 A. Uh-huh.  
 18 Q. Is that correct? Did I read that correctly?  
 19 A. That's correct, yes, sir.  
 20 Q. The jail supervisor will also be responsible for  
 21 updating the manual and distributing the procedure to  
 22 all jail employees. Did I read that correctly?  
 23 A. Yes, sir.  
 24 Q. Jail employees will maintain proficiency with all  
 25 jail and detention procedures. Did I read that

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1 correctly?  
 2 A. That's correct, sir.  
 3 Q. This -- this section talks about a jail  
 4 supervisor?  
 5 A. Yes, sir.  
 6 Q. Would that -- was that Captain Walinsky's title  
 7 as well?  
 8 A. Yes, sir.  
 9 Q. During your tenure?  
 10 A. Yes, sir.  
 11 Q. Okay. And would that have been true in May of  
 12 2007?  
 13 A. Yes, sir.  
 14 Q. He would have been captain, but he also would  
 15 have been the jail supervisor?  
 16 A. Yes, sir.  
 17 Q. All right. And under this policy -- okay. The  
 18 last section under -- on Page 1 of Exhibit No. 2, it  
 19 reads, command and responsibility, do you see that, sir?  
 20 A. Yes, sir.  
 21 Q. Under a command it says, the city -- the Weslaco  
 22 City Jail is overseen by the jail commander and is  
 23 accountable to the chief of police. Did I read that  
 24 correctly?  
 25 A. That is correct.

19 (Pages 70 to 73)

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1 Q. Okay. But you said earlier you still were the  
2 final -- had the final say with respect to jail  
3 operations, correct?

4 A. Yes, sir.

5 Q. Okay. Besides the responsibilities of personnel  
6 under Roman numeral three, and how you discuss the  
7 additions to the section of jail commander and the  
8 addition of several bullets to the jailer -- Section C  
9 of jailers, do you recall any other changes that were  
10 made in 2008, Chief Martinez?

11 A. Let me look at this. Only authorized personnel  
12 are allowed in the jail facility, under jail security.  
13 It used to be that they could walk in there and -- and  
14 visit with the prisoners, and that --

15 Q. What section is that, sir?

16 A. That's on jail security.

17 Q. What number?

18 A. Section 5.

19 Q. No. 5, okay. Section 5, okay. Oh, No. 3?

20 A. Yes, sir.

21 Q. That was added in --

22 A. And No. 4.

23 Q. Okay.

24 A. And No. 5.

25 Q. So 3, 4 and 5 were added -- Nos. 3, 4 and 5 under

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1 Roman numeral 5 of jail security --

2 A. Yes, sir, I believe so.

3 Q. -- were not included in the -- in the Weslaco  
4 Jail and Detention Procedures in May of 2007, correct?

5 A. Well, the jail equipment with a video  
6 surveillance system to insure the safety and security  
7 was. This would be monitored by jailers and  
8 communication personnel. That was -- that was in there.

9 Q. Now, let me ask you a question about that, Chief.  
10 The video surveillance system in May of 2007, were  
11 jailers, did they have access to the monitors, or was it  
12 only the dispatchers?

13 A. The dispatchers has access to the monitor. The  
14 jailer, whenever he's not booking, had a monitor in his  
15 office.

16 Q. Okay.

17 A. Which was a little -- a little -- it used to be a  
18 holding cell --

19 Q. Okay.

20 A. -- and that was converted into an office for the  
21 jailers.

22 Q. Okay.

23 A. Whenever they were not booking somebody, or they  
24 weren't -- they sat and they monitored the cells.

25 Q. And that -- that monitor, it monitored all of the

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1 cells?

2 A. Yes, sir.

3 Q. Okay.

4 A. Yes, sir.

5 Q. It has -- it had split screens?

6 A. Yes. It's got a little square screens where --

7 Q. Okay.

8 A. -- if they wanted one individual, they would push  
9 certain -- and it would give them just one screen.

10 Q. Okay. And that was the set up in May of 2007?

11 A. That's correct, sir.

12 Q. And was -- was that video surveillance equipment,  
13 was it functional, was it working, on May 17th of 2007?

14 A. Yes, sir.

15 Q. Okay. And if the -- if the jailer is not in the  
16 room, you said it's a -- it's a room, right?

17 A. Uh-huh.

18 Q. Where this --

19 A. In his office.

20 Q. In his office, where the -- where the monitor  
21 with the split screen --

22 A. Uh-huh.

23 Q. Where the -- where the monitor and the  
24 split -- where the split screen is located, then there  
25 would be nobody monitoring the inmates, correct?

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1 A. That's not what I said.

2 Q. Okay.

3 A. I said the dispatchers. It's in the dispatchers  
4 office and in the jailers office.

5 Q. Okay. So there's -- dispatchers have --

6 A. Yes, sir.

7 Q. -- would be monitoring?

8 A. Yes, sir.

9 Q. From the --

10 A. They constantly monitor.

11 Q. From the communications department?

12 A. Yes, sir.

13 Q. And let me slow you down there because I'm going  
14 to ask you a couple of questions --

15 A. Okay, okay.

16 Q. -- and you're getting a little bit ahead of me.

17 So in May -- on May 17th of 2007, there were  
18 monitors in the female cell?

19 A. Yes, sir.

20 Q. And the female cell can house more than one  
21 female detainee, correct?

22 A. Yes, sir.

23 Q. And you're saying -- you're testifying that the  
24 surveillance equipment inside that cell on May 17th was  
25 functioning?

20 (Pages 74 to 77)

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1 A. Yes, sir.  
 2 Q. And that the jailer on duty on May 17th, or any  
 3 jailer on duty on May 17th, would have been able to  
 4 monitor the detainee activity inside the cell and the  
 5 detainees by going to his office and viewing the  
 6 monitor?  
 7 A. Yeah, if he was in his office. That's what I  
 8 stated.  
 9 Q. If he was in his office?  
 10 A. Right.  
 11 Q. Am I correct?  
 12 A. That is correct. If he was booking, then he  
 13 would not have any --  
 14 Q. Ability to monitor?  
 15 A. Ability to monitor.  
 16 Q. Okay.  
 17 A. Yeah. When there was nothing -- everybody was  
 18 put up, then he would go into his office and do the  
 19 paperwork, whatever, and he's monitoring the cells.  
 20 Q. Okay. You also said that the dispatchers, and  
 21 that would be persons in the communications department,  
 22 correct?  
 23 A. That's correct, sir.  
 24 Q. That's a separate department from the?  
 25 A. Yes.

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1 Q. -- from the jail, correct?  
 2 A. Yes, sir.  
 3 Q. They would have access or they would also monitor  
 4 detainees inside the -- the Weslaco City Jail, correct?  
 5 A. That is correct.  
 6 Q. And on May 17th, 2007, the video surveillance  
 7 equipment for the female cell where Maricela Trevino was  
 8 held was functioning?  
 9 A. I believe so, yes, sir.  
 10 Q. Okay. And so dispatchers were also -- would have  
 11 been able to monitor Maricela Trevino on May 17th, 2007?  
 12 A. That is correct.  
 13 Q. Okay. And is that your understanding of what  
 14 happened?  
 15 A. Yes, sir.  
 16 Q. Okay. And the dispatchers in the communications  
 17 department, they also fall under your leadership and  
 18 supervision as police chief, right?  
 19 A. Yes, sir.  
 20 Q. I'm interested, Chief Martinez, in knowing  
 21 whether in -- in June of 2009 or in May of 2008, whether  
 22 there were any additions, or changes, or amendments to  
 23 the section entitled booking procedures, Roman numeral  
 24 seven?  
 25 A. No, sir, not that I can think of.

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1 Q. Have you had a --  
 2 A. This was the final amendment -- amendments that  
 3 were made, and they went in effect as of 5/1 of '05.  
 4 Q. Well, and the reason I was asking you -- right.  
 5 That's --  
 6 A. Okay.  
 7 Q. But the memos on the last two pages --  
 8 A. Uh-huh.  
 9 Q. -- they show that there were amendments to the  
 10 7/05 general order?  
 11 A. Yeah.  
 12 Q. Do you see that?  
 13 A. Uh-huh.  
 14 Q. And so if you notice the first page of Exhibit  
 15 No. 2 --  
 16 A. Uh-huh.  
 17 Q. -- it doesn't say effective May 6th of 2008.  
 18 A. Uh-huh.  
 19 Q. And it doesn't say effective June 3rd of 2009, it  
 20 keeps the May 1st, '05 date.  
 21 A. Right, sir.  
 22 Q. That's why I was -- that's why I was wondering  
 23 whether any changes were made after May of 2007 to these  
 24 policies, booking specifically?  
 25 A. We added female -- added female booking

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1 personnel, so --  
 2 Q. Okay. What's --  
 3 A. Let me see if they've got something on personnel.  
 4 I know that we added -- because that was a -- that  
 5 was -- I think there's something on there where it says  
 6 that females will search females.  
 7 Q. Oh, on -- if you look at Roman numeral -- I mean,  
 8 Page No. 37.  
 9 A. Let me see, 37.  
 10 Q. Booking procedures Roman numeral seven, and then  
 11 it says search the inmate?  
 12 A. Yes.  
 13 Q. Pat down on same sex inmates only?  
 14 A. Yes, that's --  
 15 Q. Is that the section you're talking about?  
 16 A. Yes, sir.  
 17 Q. And it's underlined?  
 18 A. Yes, sir.  
 19 Q. Do you recall the year that this -- that section  
 20 was added to the Weslaco PD jail and detention  
 21 procedures?  
 22 A. That was that year that -- that the incident  
 23 occurred.  
 24 Q. So that --  
 25 A. That was the recommendation that was made

21 (Pages 78 to 81)

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1 by -- by the jail commissioner.  
 2 Q. You mean by the Advocacy, Inc. --  
 3 A. Advocacy, Inc.  
 4 Q. -- Organization?  
 5 A. Yeah.  
 6 Q. Okay. So Advocacy, Inc. --  
 7 A. Recommended that we have female jail personnel.  
 8 We didn't have -- we had nothing but male personnel.  
 9 Q. So prior to -- so in May of 2007, your jail  
 10 personnel was exclusively male?  
 11 A. Right.  
 12 Q. Okay. So this change that was suggested to you  
 13 by Advocacy, Inc. happened after the suicide incident of  
 14 Maricela Trevino, correct?  
 15 A. The way -- the way that we used to do this was,  
 16 we had three female officers on the field, police  
 17 officers females.  
 18 Q. And you're talking about prior to the --  
 19 A. Yes, sir.  
 20 Q. -- inclusion of this --  
 21 A. Yes, sir.  
 22 Q. Of this --  
 23 A. Yes, sir.  
 24 Q. -- policy?  
 25 A. That's how we used to -- that's how business was

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1 being conducted.  
 2 Q. Okay.  
 3 A. You would bring the female officer in to do a  
 4 full, you know, pat down, or disrobe another female  
 5 officer, if it was led to believe that -- that either  
 6 she was in possession of drugs, or there was something  
 7 there that needed to be -- that need to be searched.  
 8 The men would very lightly just tap over on the  
 9 pockets, nothing was in the pockets and that was it,  
 10 because we wouldn't pat down the females. And  
 11 that's -- that's how we did it.  
 12 Now, the recommendation to bring in -- the  
 13 advocacy group said, well, instead of taking a police  
 14 officer off the road and their responsibilities as peace  
 15 officers, why don't you hire some female jailers,  
 16 civilian jailers. And the recommendation was taken and  
 17 we did hire female.  
 18 Q. Okay.  
 19 A. We now have -- well, they now have female -- when  
 20 I left they had female jailers and male jailers.  
 21 Q. And --  
 22 A. And then we have to have one female, one male  
 23 jailer. In the past it was just one -- one jailer  
 24 working.  
 25 Q. Okay. So -- and this change, with respect to the

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1 hiring of female jailers, happened in what year, Chief  
 2 Martinez?  
 3 A. In -- right after the -- the incident with  
 4 Maricela Trevino.  
 5 Q. So that happened in 2007?  
 6 A. The incident that Maricela was --  
 7 Q. May 17th.  
 8 A. May 17th?  
 9 Q. 2007.  
 10 A. Yes, sir.  
 11 Q. And so would these changes --  
 12 A. They --  
 13 Q. Would it be fair that the Advocacy, Inc.  
 14 investigation, whenever it was --  
 15 A. Uh-huh.  
 16 Q. -- after its findings, it suggested, and you  
 17 accepted their suggestion, to now hire female jail  
 18 personnel, is that correct?  
 19 A. Their -- their -- their conclusion of the  
 20 investigation was that nothing was done wrong, that we  
 21 were in compliance with everything, that we did what was  
 22 supposed to be done. But they would offer some  
 23 recommendations so that if anything like that were to  
 24 happen again there would not be a question.  
 25 MR. RUIZ: Okay. I need to object as

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1 nonresponsive.  
 2 THE WITNESS: Okay, that's fine.  
 3 Q. (By Mr. Ruiz) Let me ask you the question again,  
 4 Chief Martinez. It was at the suggestion of Advocacy,  
 5 Inc., after they conducted an investigation, that the  
 6 City of Weslaco agreed to hire female jail personnel, is  
 7 that correct?  
 8 A. That's correct.  
 9 Q. And do you know what date and year that happened?  
 10 A. That was on the same year, immediately  
 11 thereafter.  
 12 Q. Okay. So --  
 13 A. Three months, four months after.  
 14 Q. Three or four months after?  
 15 A. Uh-huh.  
 16 Q. But it was -- but the City of Weslaco didn't make  
 17 this personnel change in hiring female jailers by  
 18 itself, right? That was something that was prompted by  
 19 the Advocacy, Inc. investigation, is that correct?  
 20 A. That was something that was recommended and  
 21 accepted by -- by me.  
 22 Q. By you?  
 23 A. Yes, sir.  
 24 Q. But only after Advocacy, Inc. made the  
 25 suggestion, correct?

22 (Pages 82 to 85)

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1 A. Yeah, upon making the suggestion.  
 2 Q. Okay.  
 3 MR. CHANEY: Since we've been going about an  
 4 hour and a half, you think we could --  
 5 MR. RUIZ: Yes, sir.  
 6 MR. CHANEY: -- take a break?  
 7 MR. RUIZ: We can take a break, sure.  
 8 THE VIDEOGRAPHER: We're off the record at  
 9 10:33 a.m.  
 10 (Break was taken at 10:31 a.m. - 10:42 a.m.)  
 11 THE VIDEOGRAPHER: We're back on record at  
 12 10:44 a.m.  
 13 Q. (By Mr. Ruiz) Chief Martinez, we've taken a brief  
 14 break.  
 15 A. Yes, sir.  
 16 Q. Mr. Chaney has asked to locate the policies, the  
 17 jail and detention procedures that were in effect in  
 18 May of '07. I'm going to go ahead and move on to  
 19 another area, okay?  
 20 A. Okay, sir.  
 21 (Plaintiffs Exhibit No. 3 marked.)  
 22 Q. (By Mr. Ruiz) I'm going to hand you  
 23 Exhibit No. 3.  
 24 A. Okay.  
 25 Q. And give you an opportunity to review that.

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1 A. Okay.  
 2 Q. And what is Exhibit No. 3, sir?  
 3 A. That's the oath of office.  
 4 Q. And this oath of office is for yourself, right?  
 5 A. Yes, sir.  
 6 Q. And it was when you took the oath of office in  
 7 June of 2003?  
 8 A. Yes, sir.  
 9 Q. Would that be correct?  
 10 A. Yes, sir.  
 11 Q. So -- so you were chief of police from 1997 to  
 12 what year, Chief Martinez?  
 13 A. Okay. It was '97 to -- well, I came back on 2003  
 14 again for the second time.  
 15 Q. You came back in February of '03?  
 16 A. Yeah.  
 17 Q. And you took this --  
 18 A. June of '03.  
 19 Q. You took this oath in June of '03?  
 20 A. June of '03.  
 21 Q. Is this the same exact oath you took in  
 22 October of 1997?  
 23 A. No, sir, it's not.  
 24 Q. Why is it different?  
 25 A. Because I left -- I was -- I was wrongfully

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1 terminated.  
 2 Q. Okay.  
 3 A. And returned -- I was then rehired and was given  
 4 the oath again.  
 5 Q. Okay. So you brought a lawsuit against the City  
 6 of Weslaco?  
 7 A. Did I brought -- bring a lawsuit?  
 8 Q. Yes.  
 9 A. When?  
 10 Q. After -- after you were terminated?  
 11 A. After my wrongful termination?  
 12 Q. Yes, sir.  
 13 A. Yes, I did.  
 14 Q. And did you file this in state or federal court?  
 15 A. That was -- I think it's federal court.  
 16 Q. Federal court. And what were -- why were you  
 17 terminated?  
 18 A. I think that's -- well, wrongfully terminated. I  
 19 think what happened is that there was allegations made  
 20 that I would -- I would not allow a city official to  
 21 take charge of a division in my department, someone who  
 22 had no authority as a law enforcement officer, and I got  
 23 fired for that.  
 24 Q. What division was it in?  
 25 A. Narcotics.

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1 Q. Okay. And who was the officer that -- that  
 2 claims that you did not give him authority to handle  
 3 that?  
 4 A. The mayor.  
 5 Q. And who was the mayor at that time?  
 6 A. Buddy De La Rosa.  
 7 Q. Who is current mayor right now?  
 8 A. Yes, sir.  
 9 Q. Okay.  
 10 A. Well, he was a commissioner at that time.  
 11 Q. Oh, he was a commissioner?  
 12 A. Yeah.  
 13 Q. Okay. And so what were your allegations in your  
 14 lawsuit against the City of Weslaco?  
 15 A. Wrongful termination.  
 16 Q. Right. But based on what, sir?  
 17 A. Retaliation.  
 18 Q. Okay. You were retaliated because you did not  
 19 let a certain employee --  
 20 A. Exactly.  
 21 Q. -- take over the narcotics division?  
 22 A. Yes, sir.  
 23 Q. And who was the employee that you did not allow  
 24 to handle the narcotics division?  
 25 A. Who was the employee?

23 (Pages 86 to 89)

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1 Q. Right.  
 2 A. No, the commissioner wanted to oversee. He  
 3 wanted to know who, when and where raids were going to  
 4 be made.  
 5 Q. Raids?  
 6 A. The narcotic busts.  
 7 Q. Drug raids?  
 8 A. Yes.  
 9 Q. And narcotic raids?  
 10 A. Yes.  
 11 Q. He wanted to know ahead of time?  
 12 A. Yes.  
 13 Q. And you refused to --  
 14 A. Yes, that's correct.  
 15 Q. -- provide that information?  
 16 A. Yes, correct.  
 17 Q. And so after your lawsuit you were reinstated?  
 18 A. Well, no, I was reinstated -- well, when I  
 19 attempted to do the lawsuit I was reinstated, so when I  
 20 got reinstated --  
 21 Q. As police chief, right?  
 22 A. As police chief, yeah.  
 23 Q. Right.  
 24 A. Then I was in there for the long-term, the 11  
 25 years.

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1 Q. So then you went from --  
 2 A. And then from --  
 3 MR. CHANEY: Let him ask you --  
 4 THE WITNESS: Okay, I'm sorry.  
 5 Q. (By Mr. Ruiz) Right. And so you hired a lawyer  
 6 to file a lawsuit, and to -- to get your job back,  
 7 correct?  
 8 A. That's correct.  
 9 Q. And --  
 10 A. To clear my name.  
 11 Q. And to clear your name?  
 12 A. Yeah, because there was a whole bunch of stuff  
 13 that was being said that was untrue.  
 14 Q. Okay.  
 15 A. I was --  
 16 Q. And that case did not go to trial, correct?  
 17 A. No, sir. No, sir.  
 18 Q. Am I correct?  
 19 A. That's correct.  
 20 Q. And what ultimately happened was that you were  
 21 reinstated as police chief some time in 2003?  
 22 A. And the city manager was fired.  
 23 Q. Okay.  
 24 A. Because he was the one that -- that fired me.  
 25 Q. Okay.

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1 A. The city manager.  
 2 Q. And who was that city manager?  
 3 A. Frank Castellanos.  
 4 Q. But Frank Castellanos is still employed by the  
 5 city today, right?  
 6 A. Yeah, because he also got rehired by Buddy De La  
 7 Rosa.  
 8 Q. Okay. So after your lawsuit, it didn't go to  
 9 trial, and there was a settlement, I'm assuming, is that  
 10 correct?  
 11 A. That's correct.  
 12 Q. And as a result of the settlement, part of the  
 13 relief that you were given was that you were going to  
 14 have your job back as police chief, correct?  
 15 A. That's correct.  
 16 Q. And that happened in 2003 at some point?  
 17 A. That's correct.  
 18 Q. And in June of 2003 you took the oath of office,  
 19 correct?  
 20 A. That's correct.  
 21 Q. And that's the oath of office that's presented to  
 22 you in Exhibit No. 3, correct?  
 23 A. That's correct.  
 24 Q. And let me -- and that oath of office states --  
 25 and it's notarized, correct, at the bottom?

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1 A. That's correct.  
 2 Q. That you agree to pre -- to preserve, protect and  
 3 defend the Constitution and laws of the United States  
 4 and of this State, did I read that correct?  
 5 A. So help me God.  
 6 Q. And I can read it -- let me read it in its  
 7 entirety.  
 8 A. Okay.  
 9 Q. It states that -- well, you can go ahead and read  
 10 it.  
 11 A. I, Juan Daniel Martinez, do solemnly swear or  
 12 affirm that I will faithfully execute the duties of the  
 13 office of the chief of police for the City of Weslaco,  
 14 of the State of Texas, and will, to the best of my  
 15 ability, preserve, protect and defend the Constitution  
 16 and laws of the United States and of this State, so help  
 17 me God.  
 18 Q. And that's your signature above the word affiant,  
 19 is that correct?  
 20 A. That's correct.  
 21 Q. Okay. So back in June of 2003 you agreed  
 22 to -- when you took that oath, you agreed that as  
 23 Weslaco police chief to respect and protect the  
 24 Constitutional rights of all persons, including the  
 25 young, the elderly, the physically sick, and the

24 (Pages 90 to 93)

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1 mentally ill as well, is that correct?

2 A. That is correct.

3 Q. And when you took your oath of office in June of  
4 2003, you agreed that as Weslaco police chief, to  
5 protect persons jailed at the Weslaco lockup from  
6 themselves as part of your constitutional duty to  
7 provide medical care during their incarceration, is that  
8 correct?

9 MR. CHANEY: Could you repeat that, please?

10 A. I don't understand the question.

11 Q. (By Mr. Ruiz) Sure, sure. When you took your  
12 oath of office in June of 2003, you agreed that as  
13 Weslaco police chief that you were going to protect the  
14 rights of persons jailed at the Weslaco lockup as part  
15 of your constitutional duty to provide medical care  
16 during their incarceration, is that correct?

17 MR. CHANEY: Objection, form.

18 A. That falls under the -- the duties of the chief  
19 of police.

20 Q. (By Mr. Ruiz) So is that a yes?

21 A. Yes, sir.

22 Q. Okay. And because when someone is in jail, or  
23 someone is behind bars, Chief Martinez, they can't go to  
24 a doctor or pharmacist to take care of themselves, is  
25 that correct?

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1 A. That is correct.

2 Q. And when someone is behind bars in a cell, their  
3 family members and loved ones cannot care for them  
4 either, is that correct?

5 A. That's correct.

6 Q. And when someone is in jail, they must rely on  
7 law enforcement and jail personnel to provide medical  
8 care for their serious medical needs, is that correct?

9 A. That's correct.

10 Q. And if we look at Exhibit No. 1 -- or No. 2, I'm  
11 sorry. The procedures, on Page 30 --

12 A. Uh-huh.

13 Q. Above Section C, there's a section called, see  
14 jailers, do you see that?

15 A. Uh-huh, yes, sir.

16 Q. And that reads, jailers are the primary providers  
17 of care and custody of inmates of the Weslaco City Jail.

18 A. Uh-huh.

19 Q. Did I read that correctly?

20 A. Yes, sir, you did.

21 Q. They are responsible for the day-to-day  
22 operations of the jail, including the transporting of  
23 prisoners to the county jail. Did I read that  
24 correctly?

25 A. Yes, sir, you did.

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1 Q. And if we look at that section in Exhibit No. 2,  
2 under jailers, when we talk about primary provider care,  
3 are we talking about medical care as well, sir?

4 A. First responder, immediate -- you know, just CPR,  
5 first responder care. I mean, they're not doctors,  
6 they're not certified nurses, they're just certified  
7 first aid.

8 Q. Okay. And would you agree with me that a person  
9 who -- a person may have a serious medical need for  
10 psychological or psychiatric treatment?

11 A. You're asking me or you're telling me?

12 Q. I'm asking you. Would you agree with me that a  
13 person may have a serious medical need for psychological  
14 or psychiatric treatment?

15 A. If -- if I would agree to --

16 Q. Yes.

17 A. If a person is -- is assessed and is noted to  
18 have psychological impairments, yeah, then the answer  
19 would be yes.

20 Q. And someone with suicidal tendencies would also  
21 have a serious medical need for mental healthcare and  
22 treatment, would you agree with that?

23 MR. CHANEY: Objection, form.

24 A. Yes, sir.

25 Q. (By Mr. Ruiz) So when you took your oath of

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1 office as chief of police, with supervisory powers over  
2 the jail, would you agree with me, Chief Martinez, that  
3 one of the most important functions you had as chief was  
4 to insure proper medical care was given to persons  
5 locked up at the Weslaco lockup?

6 A. (Inaudible answer.)

7 Q. I'm sorry?

8 A. Yes, sir.

9 Q. And that was -- that's true today for the current  
10 chief, and it would have been true back in May of 2007  
11 when you served as chief, is that --

12 A. That's correct.

13 Q. Would you agree that during your tenure as chief,  
14 and as part of your job for providing care to persons  
15 locked up at the Weslaco jail, part of your job was to  
16 ensure that your police officers, jailers and  
17 dispatchers were trained in minimum jail standards?

18 MR. CHANEY: Objection, form.

19 A. They are not -- we are a holding facility, 24  
20 hours, okay, or upon registration, they either go to the  
21 county or they're released at that point in time. We  
22 are not a jail facility, we don't fall under the same  
23 standards as a detention center.

24 MR. RUIZ: Object as nonresponsive.

25 Q. (By Mr. Ruiz) Do you -- you're -- when you were

25 (Pages 94 to 97)

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1 chief of the Weslaco Police Department and over its  
2 jail, people were incarcerated for more than one day,  
3 correct?

4 A. On the order of the judge.

5 Q. Right.

6 A. If they magistrate within 24 hours, and sometimes  
7 no more than two, no more than 72 hours.

8 Q. Okay. So up to -- up to three days?

9 A. Yes, sir.

10 Q. Okay. So people are incarcerated -- people --  
11 you knew that people were going to be incarcerated at  
12 the Weslaco jail lockup up to three days, correct?

13 A. That's correct.

14 Q. Okay. And that's why I was asking you, if we  
15 look at these procedures, and we talk about what jailers  
16 and their primary -- as the primary providers of care,  
17 would you agree with me that part of your job as a chief  
18 of police overseeing these jailers, knowing that there's  
19 going to be people incarcerated up to three days, that  
20 it was your job to insure that your police officers,  
21 that your jailers and your dispatchers had an  
22 understanding of minimum jail standards?

23 MR. CHANEY: Objection, form. You answered  
24 that question, you don't need to answer it again. He  
25 already answered it.

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1 MR. RUIZ: I don't think he answered it but  
2 okay.

3 MR. CHANEY: Can we take a break?

4 MR. RUIZ: Sure.

5 THE VIDEOGRAPHER: We're off the record at  
6 10:57 a.m.

7 (Discussion off the record.)

8 THE VIDEOGRAPHER: We're back on at  
9 10:59 a.m.

10 Q. (By Mr. Ruiz) Chief Martinez, you want competent  
11 jailers to be providing the care and custody of inmates  
12 at the Weslaco City Jail, correct?

13 A. Correct.

14 Q. And in order to have a competent jailer, based on  
15 your experience, training and education, that jailer  
16 needs to have a basic understanding concerning the  
17 medical care that needs to be provided to persons who  
18 are going to be incarcerated at the jail, correct?

19 A. They need to follow procedures -- policy and  
20 procedures, and that is outlined in the policy and  
21 procedure.

22 Q. Okay.

23 A. As long as they follow the policy and procedure,  
24 then that's -- anything outside of that  
25 is -- is -- comes from them, that they want to continue

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1 their education to provide -- preferably they're going  
2 to go either to the detention center somewhere.

3 Q. Okay. And Chief, I don't have the policies and  
4 procedures. I don't have -- I don't have what was in  
5 effect in May of 2007, that's why I can't ask you  
6 questions about it.

7 A. Okay.

8 Q. But would you agree with me that your police  
9 officers, your jailers and your dispatchers need to have  
10 adequate training in order to identify when a detainee  
11 requires medical attention? Would you agree with that?

12 MR. CHANEY: Did he not -- did you not ask  
13 this before and he answered?

14 MR. RUIZ: No, it's a different question.

15 MR. CHANEY: Okay.

16 A. The -- the personnel, the jailers, people that  
17 are dealing with the arrestees, should have that  
18 personal knowledge and understanding of the -- of the  
19 recognition.

20 Dispatchers are not jail personnel, and they  
21 don't need to have that understanding. All they do is  
22 report if someone is either banging on the walls, or  
23 someone is either laying down, or someone is doing  
24 something out of the ordinary that a normal person would  
25 do.

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1 Q. (By Mr. Ruiz) But police officers and jailers do  
2 need --

3 A. Police officers and jailers, yes, sir. They deal  
4 with prisoners.

5 Q. And the type of training that they should have  
6 because they're dealing with jailers is a training that  
7 assists them in identifying detainees who suffer from  
8 mental illness, would you agree with that?

9 MR. CHANEY: Objection, form. You  
10 said -- just so the record is clear, Mauro, you said  
11 dealing with jailers.

12 MR. RUIZ: Oh.

13 MR. CHANEY: And I think you meant dealing  
14 with inmates.

15 MR. RUIZ: I'm sorry. And I'll rephrase  
16 that question.

17 Q. (By Mr. Ruiz) And Chief Martinez, and in order  
18 -- you need to have an adequately trained police force  
19 and jailers that are trained to identify detainees, or  
20 persons who are going to be incarcerated and who suffer  
21 from mental illness, and what they need to do is have  
22 the training to identify those persons who suffer from  
23 mental illness, would you agree with that?

24 MR. CHANEY: Objection, form.

25 A. They are trained to assess their behavior, and

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1 then refer them to either a medical doctor, who will  
2 then make that determination as to whether they are  
3 mentally instable or not stable.

4 Q. (By Mr. Ruiz) Would you agree that identifying  
5 would be the first issue that they need to learn how to  
6 do as jailers and police officers?

7 A. The first thing would be to assess --

8 Q. Okay.

9 A. -- the situation.

10 Q. Assess the situation?

11 A. Uh-huh.

12 Q. And if we're talking about a jailer, would you  
13 agree with me that the jailer needs to have training in  
14 proper screening of persons who suffer from mental  
15 illness?

16 MR. CHANEY: Objection, form.

17 A. No. No, sir.

18 Q. (By Mr. Ruiz) No. Do you -- do you believe that  
19 a jailer should have proper training in monitoring --  
20 adequate monitoring of individuals who suffer from  
21 mental illness who are going to be incarcerated at the  
22 Weslaco Police Department lockup?

23 MR. CHANEY: Objection, form.

24 A. We would -- okay. We would not incarcerate a  
25 person who is assessed and then evaluated as a mental

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1 patient.

2 Q. (By Mr. Ruiz) Okay. And the person or the -- or  
3 the -- what police department employee would be  
4 responsible for assessing?

5 A. The first officer that -- that placed the -- the  
6 person under arrest.

7 Q. Okay. That -- and there is no responsibility, in  
8 your opinion, on behalf of the jailer, is that correct?

9 MR. CHANEY: Objection, form.

10 Q. (By Mr. Ruiz) To assess?

11 A. Okay. Their behavior, after they're being booked  
12 and in the cell, that's where the jailer comes in.

13 Q. Okay. But that's why I'm trying to find out.

14 You're saying the first person who approaches the  
15 detainee, you -- which is usually the police officer,  
16 right?

17 A. Exactly.

18 Q. That police officer is the first person  
19 responsible with assessing whether a detainee suffering  
20 from mental illness requires medical care?

21 A. That is correct.

22 Q. Okay. It's that police officer's call to refer  
23 the detainee to a doctor or a hospital, would that be  
24 correct?

25 A. His primary responsibility is to contact the

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1 supervisor and to gather the supervisor, and the officer  
2 on the field will agree that they're -- the assessment  
3 is correct and that, yeah, 26 -- Section 26 would be in  
4 order, and then they get taken before they -- MHMR.

5 Q. And a Section 26 is a reference to a Weslaco  
6 Procedure 26 or a state --

7 A. State.

8 Q. Law or code?

9 A. It's a -- it's a state -- it's a -- what do you  
10 call it, the statute.

11 Q. Okay.

12 A. It's a statute.

13 Q. What code is that contained in?

14 A. In -- it's a Section 26 under mental health,  
15 mental retardation.

16 Q. Okay. Would that be the involuntary commitment  
17 section?

18 A. That's correct.

19 Q. Okay. Are you sure it's Section 26?

20 A. Yes.

21 Q. Okay.

22 A. The officer is -- will do a 26, a doctor can do a  
23 Section 26. The judge is the only one that can do a 28,  
24 Section 28.

25 Q. A 28, okay. Now -- and just to be clear, because

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1 I asked you a question about screening and monitoring.

2 A. Uh-huh.

3 Q. Okay. Is it -- what is -- what is your opinion,  
4 Chief Martinez, regarding the training that a jailer  
5 should have regarding proper screening of persons who  
6 are being booked who happen to suffer from mental  
7 illness? Should they have that training?

8 A. In my opinion?

9 Q. Yes, sir.

10 A. I think they need all the training that they can  
11 get, provided that it's -- that the finances are there.

12 Q. Okay. And --

13 A. To include mental --

14 Q. Screening?

15 A. Mental health, mental retardation.

16 Q. And screening, would you say since you've had  
17 some exposure to -- to the -- the jail, when you were a  
18 reserve officer, I believe?

19 A. Yes, sir.

20 Q. You had --

21 A. Yes, sir.

22 Q. You worked at a jail for three months?

23 A. Yes, sir.

24 Q. Would you agree with me that screening -- proper  
25 screening of a detainee is vital, especially in cases

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1 where that detainee suffers from mental illness?

2 MR. CHANEY: Objection, form.

3 A. If the officer that's in -- that's placing the  
4 person in the facility that is not being -- that has  
5 been cleared medically, there's nothing wrong with them,  
6 there's no blood that you see, says that this person  
7 is -- is a -- should be an MHMR arrestee.

8 Then the screen is asked -- in the screening, the  
9 application and the filling out of the report is where  
10 they go in to asking, has he ever attempted suicide?  
11 Does he see visions? Does he hear people? Does  
12 he -- and that's the screening that is done by a jailer.  
13 But that's upon recommendation by the officer making the  
14 arrest.

15 Q. (By Mr. Ruiz) Okay.

16 A. So it falls -- the responsibility falls on the  
17 officer making the arrest. And then the screen is done  
18 after the officer says, this person is -- is a possible  
19 suicide or is -- has mental problems.

20 And once you ask the questions and stuff, then  
21 the next thing would be to take him to an MHMR or call  
22 in MHMR.

23 Q. But Chief Martinez, wouldn't that -- so you're  
24 saying that first the responsibility is of the arresting  
25 officer to determine whether there's going to be a need

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1 persons being detained or incarcerated in a municipal  
2 jail, it's up to the municipal -- it's up to the  
3 municipality to make sure there are adequate policies,  
4 procedures, and training for -- or training of the jail  
5 personnel, would you agree with that?

6 MR. CHANEY: Objection, form. Can you  
7 define adequate training?

8 Q. (By Mr. Ruiz) Well, there are  
9 organizations -- you've gone to -- you've gone to many  
10 seminars before, right?

11 A. Yes. That -- basically, when you go to certify  
12 as a jailer, then you go through those types of courses.

13 Now, municipality -- some municipalities don't  
14 require jail personnel to be certified.

15 Q. Okay.

16 A. That takes money, and then of course with the  
17 money -- I mean, with that and your certification, the  
18 pay that you -- that you earn is equivalent to the  
19 certification. That's why the municipalities don't  
20 require jail certification.

21 Q. And so in May of 2007 the City of Weslaco did not  
22 require their jailers to be certified, correct?

23 A. That is correct.

24 Q. And in May of 2007, the City of Weslaco did not  
25 employ certified jailers, correct?

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1 for further medical questioning by the jail -- jailer?

2 A. There's a form. The form -- the jailer fills the  
3 form.

4 Q. Okay.

5 A. But the officer would tell him to pay particular  
6 attention to the -- to the -- the questions that deal  
7 with suicide, questions with deal -- and how far back,  
8 when, and all this stuff.

9 Q. Okay. So --

10 A. But that's at a detention center.

11 Q. Right. Well --

12 A. That is -- that is minimum requirements from the  
13 state detention facility.

14 Q. Okay.

15 A. And it differs from municipalities.

16 Q. Well, tell me, what's your understanding  
17 regarding the minimum standards at a municipal lockup or  
18 jail like the one Weslaco has?

19 A. Whatever is based on your policy and procedures.

20 Q. Okay. And so -- and no -- municipal jails are  
21 not regulated by the State of Texas?

22 A. That is correct.

23 Q. Is that correct?

24 A. That is correct.

25 Q. And so in order to insure the safety of those

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1 A. That is not correct.

2 Q. Okay.

3 A. You know, the individual people that -- and I  
4 know that we had some certified jailers --

5 Q. Uh-huh.

6 A. -- that came in that went to school and got  
7 certified, okay. When we first started, they -- the  
8 requirement is still there -- I mean, there's no  
9 requirement to certify, but yet we do hire, and the  
10 preference was to hire certified jailers.

11 Q. Okay. And that was going to be my question.  
12 There is no requirement that in order to work as a  
13 jailer at the City of Weslaco while you were chief, that  
14 the jailer was a certified jailer, correct?

15 A. There was no requirement, but it was something  
16 that I wanted to --

17 Q. Okay.

18 A. I made sure that I would hire people that were  
19 certified over people that weren't.

20 Q. Okay. But in May of 2007, you also had jailers  
21 who were certified and licensed, right?

22 A. Uh-huh, yeah.

23 Q. Which means licensed by the State of Texas,  
24 right?

25 A. Yeah, yeah. That's correct.

28 (Pages 106 to 109)

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1 Q. And you also had jailers who were not licensed?  
 2 A. That is correct.  
 3 Q. Okay. And I have -- the jailer on duty on  
 4 May 17th, 2007, I have his -- his application. Could we  
 5 look at his application --  
 6 A. Sure.  
 7 Q. -- and determine whether he was licensed --  
 8 A. Yes, sir.  
 9 Q. -- or not licensed?  
 10 A. Yes, sir.  
 11 Q. Okay.  
 12 MR. RUIZ: If you give me a second, we could  
 13 go off the record, Mr. Chaney.  
 14 MR. CHANEY: Sure.  
 15 MR. RUIZ: It won't take long, Mr. Chaney.  
 16 MR. CHANEY: Not a problem.  
 17 THE VIDEOGRAPHER: We're off the record at  
 18 11:11 a.m.  
 19 (Break was taken at 11:09 a.m. - 11:11 a.m.)  
 20 THE VIDEOGRAPHER: We're back on at  
 21 11:13 a.m.  
 22 (Plaintiff's Exhibit No. 4 marked.)  
 23 Q. (By Mr. Ruiz) Okay. Chief Martinez, I'm going to  
 24 hand you what's marked as Exhibit No. 4.  
 25 A. Okay, sir.

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1 Q. What is Exhibit No. 4?  
 2 A. It's an application for employment. It's a  
 3 jailer from Alfredo Moreno, Jr.  
 4 Q. And Alfredo Moreno, Jr. was the jailer who was on  
 5 duty during the -- Alfredo Moreno, Jr. was the jailer  
 6 who was on duty the evening of May 17th, 2007, is that  
 7 correct?  
 8 A. That's correct, sir.  
 9 Q. Okay. And if you -- and we were asking about  
 10 licensing.  
 11 A. Uh-huh.  
 12 Q. There is a section in this application for  
 13 employment that Mr. Moreno filled out for the City of  
 14 Weslaco --  
 15 A. Yes, sir.  
 16 Q. -- back in 2001?  
 17 A. Uh-huh.  
 18 Q. September 13th of 2001 --  
 19 A. Yes, sir.  
 20 Q. -- that asks about licenses and certification?  
 21 A. Yes, sir.  
 22 Q. It's on the second page, right?  
 23 A. That's correct.  
 24 Q. That would be -- and it says, list all current  
 25 licenses -- licenses or certifications you hold.

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1 Mr. Moreno only wrote down driver's license and he put  
 2 Texas, do you see that, sir?  
 3 A. Yes, sir, sure do.  
 4 Q. He did not represent to the City of Weslaco that  
 5 he had a jailer's license, is that correct?  
 6 A. That's correct.  
 7 Q. And he was hired, nonetheless, right?  
 8 A. That's correct.  
 9 Q. Now --  
 10 MR. CHANEY: What exhibit number did you  
 11 make that?  
 12 MR. RUIZ: Four.  
 13 THE WITNESS: Four.  
 14 MR. CHANEY: Okay, thank you.  
 15 (Plaintiff's Exhibit No. 5 marked.)  
 16 Q. (By Mr. Ruiz) I'm going to hand you  
 17 Exhibit No. 5. What is Exhibit No. 5, Chief Martinez?  
 18 A. An application for a police officer from Alfredo  
 19 Moreno, Jr.  
 20 Q. Okay. This is the same gentleman who was the  
 21 jailer during the evening of May 17th, 2007, correct?  
 22 A. That's correct.  
 23 Q. But this application that he fills out, he filled  
 24 it out approximately one month before the suicide by  
 25 Maricela Trevino?

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1 A. Uh-huh.  
 2 Q. On April 17th, do you see that?  
 3 A. Uh-huh.  
 4 Q. And he is applying for entry level police officer  
 5 position, is that correct?  
 6 A. That's correct.  
 7 Q. And if we turn -- is it the same form that we  
 8 looked at in Exhibit No. 4?  
 9 A. Yes, sir.  
 10 Q. If we looked at -- if you look at the second  
 11 page, when it asks for licenses and certifications, he  
 12 only listed driver's license, once again, and the  
 13 issuing agency Texas DPS?  
 14 A. Uh-huh.  
 15 Q. Did I read that correctly?  
 16 A. That's correct.  
 17 Q. So in April of 2007 Mr. Moreno was not a licensed  
 18 or certified jailer working for the City of Weslaco, is  
 19 that correct?  
 20 A. That's correct, sir.  
 21 Q. Okay. And in -- on May 17th, 2007, when he was  
 22 the jailer on duty during the evening of May 17th, 2007,  
 23 he was also not licensed or certified as a jailer on  
 24 that date, is that correct?  
 25 A. That's correct.

29 (Pages 110 to 113)

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1 Q. And so just so that I can understand you, Chief  
2 Martinez, the -- the responsibility for assessment of  
3 someone who has -- who is arrested, and who has a mental  
4 disability or a mental illness rests on the arresting  
5 police officer?

6 A. Yes, sir.

7 Q. Okay. Now, at what point does the jailer have a  
8 responsibility for providing that care that we discussed  
9 under the Weslaco Jail and Detention Procedures a little  
10 while ago? Could you explain that to me?

11 A. Okay. Whenever they're in -- in their -- in  
12 their custody, when he's being placed in the cell.

13 Q. Is that during booking?

14 A. No, during -- that's after the booking.

15 Q. After the booking?

16 A. Yeah.

17 Q. Okay.

18 A. He is now placed under arrest. He's already  
19 completed all his booking, and then he goes into the  
20 cell block.

21 Q. Okay.

22 A. Okay. From that point on, then the -- the jailer  
23 or detention officer is responsible for the welfare and  
24 wellbeing of that prisoner.

25 Q. Okay. And I asked you earlier, so that we talked

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1 about the arresting officer?

2 A. Uh-huh.

3 Q. And when -- and what his responsibilities are and  
4 when?

5 A. Uh-huh.

6 Q. And you've -- we've also discussed the jailer or  
7 detention officer, and we discussed when his  
8 responsibility to provide medical care, no?

9 A. Medical care?

10 Q. Well, okay --

11 A. You never mentioned medical care.

12 Q. Okay. When -- and this was my -- and I'm glad  
13 you asked me. Thank you for asking me, I'll clarify my  
14 question.

15 After the arresting police officer, you said, is  
16 responsible for assessment of someone who's arrested for  
17 purposes of whether they're mentally disabled or they  
18 have mental illness? Did I get that correct?

19 A. Yes, sir.

20 Q. Is that what you said earlier?

21 A. The assessment is made by the arresting officer.

22 Q. Okay, okay. When does that -- when does that  
23 police officer or arresting officer's responsibility  
24 end?

25 A. The minute that he takes him to either MHMR Texas

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1 of whatever, after the assessment.

2 Q. Okay.

3 A. When the evaluation is done of that particular  
4 prisoner, that's it. When he transports him to MHMR.

5 Q. Okay. And so the police officer has this  
6 authority to make an assessment out on the field?

7 A. Yes, sir.

8 Q. Without having to come to the police department?

9 A. Yes, sir.

10 Q. Without having to come to the jail?

11 A. Yes, sir.

12 Q. And so -- and the police officer has the  
13 authority to transport that -- that detainee, or the  
14 person arrested, right, to a medical facility?

15 A. Yeah. He goes from an arrestee to a patient.

16 Q. Okay. Explain to me when a police officer  
17 arrests someone but does not take them to a hospital,  
18 instead he takes them to the Weslaco lockup.

19 What was your understanding about their  
20 responsibilities when that happens, with respect to the  
21 care to that detainee?

22 A. I don't believe I understand the question.

23 Q. Sure.

24 A. Repeat it.

25 Q. You gave me an example concerning the police

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1 officer -- arresting officer's assessment and transport?

2 A. Yeah.

3 Q. Correct?

4 A. Uh-huh.

5 Q. Does that happen every time, whenever a police  
6 officer comes across or arrests someone with a -- who's  
7 behaving -- who's behaving in an odd manner?

8 A. Yes, sir.

9 Q. Okay. Or it should happen every time?

10 A. Well, it should happen every time, yes, sir.

11 Q. Okay. And what happens -- tell me, what are the  
12 responsibilities of that police officer when he arrests  
13 someone with a -- with known mental illness, okay, and  
14 he takes that individual to the lockup?

15 A. When you say known mental illness --

16 Q. Right.

17 A. -- you are saying that the officer knew that this  
18 person that he arrested was a mental patient?

19 Q. Well, let's say the officer saw --

20 A. What is the question?

21 Q. So do you need -- so in other words, do you need  
22 the --

23 A. Prior history?

24 Q. You need the -- well, what do you need? Do you  
25 need the arrested person to carry their medical files

30 (Pages 114 to 117)

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